M E M O R A N D U M

JUNE 12, 1987

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JUL 1 1987

UNIVERSITY OF CALIFORNIA

To: Members of the Board of Adjustments

From: Gil Kelley, Acting Chief, Advance Planning GK

Subject: DURKEE PROJECT

This is a reminder that the Board will be holding a special meeting to conduct a public hearing on the proposed Durkee project, at 7:15 pm, Wednesday, June 17, West Berkeley Senior Center (Sixth and Hearst). At that meeting the Board will be asked to consider: 1) amending its 12/11/86 action to certify the Final EIR for this project, in order to include a brief EIR addendum which deals with recent changes to the project; and 2) taking action on the requests for use permits and variances.

In order to prepare Boardmembers for this hearing, I am enclosing in this packet a copy of the hearing notice (which shows the permits being requested), the applicant's statement and drawings, and the EIR (Environmental Impact Report). The EIR is composed of four documents: the draft EIR, the final EIR supplement, a first addendum to the final, and the recently prepared second addendum.

In order to approve a project for which an EIR has been prepared, it is required that Boardmembers first familiarize themselves with ("review and consider") the EIR. For new Boardmembers, it is not necessary that you were present to vote for certification last December, but you are obligated to review these documents. I suggest that you concentrate on reading the brief addenda, the summary text of the Final EIR (11/86, pages 1-30), and the summary from the Draft EIR (6/89, pages 1-12).

The follow-up packet will include the normal staff report, with findings and recommendations on the permit requests and EIR information ("CEQA findings").

Attachments:

- Public Notice
- Project Plans and Applicant's Statement
- EIR Addendum of 6/87
- EIR Addendum of 12/86
- Final EIR (11/86)
- Draft EIR (6/86)


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PUBLIC HEARING NOTICE

88 01247

750 HEINZ/2900 FIFTH STREETS (DURKEE SITE)

CONSTRUCTION OF THREE (3) BUILDINGS CONVERSION OF TWO (2) EXISTING BUILDINGS, DEMOLITION OF ONE (1) BUILDING, AND DEMOLITON OF A FREE STANDING SMOKESTACK, TO ACCOMMODATE A MIXED-USE PROJECT INCLUDING OFFICES, 19 LIVE/WORK UNITS, A THEATRE, CAFE AND CHILD-CARE CENTER

(Zoning Ordinance (3018 N. S.)

ZONING DISTRICT: M (Manufacturing) **PERMIT NUMBER(S):** A1222/VAR #1211

THE BERKELEY BOARD OF ADJUSTMENTS WILL HOLD A PUBLIC HEARING ON THE ABOVE MATTER ON: WEDNESDAY, June 17, 1987 IN THE MULTI-PURPOSE ROOM AT WEST BERKELEY SENIOR CENTER, 1900 SIXTH ST., BERKELEY 94710. THE MEETING WILL BEGIN AT 7:15 PM

APPLICANT: RICHARD ROBBINS (WAREHAM DEVELOPMENT) **PHONE:** 457-4964

PERMITS REQUESTED

- USE PERMIT UNDER SECTION 12.7(a)(1) OF THE ZONING ORDINANCE TO CONSTRUCT THREE (3) NEW BUILDINGS (SHOW AS "C", "E" AND "F" ON THE SITE PLAN) AND VARIOUS OTHER SITE IMPROVEMENTS DESCRIBED ON THE ATTACHED SITE PLAN.
- USE PERMIT UNDER SECTION 12.7(a)(2) TO CONVERT THE EXISTING TWO-STORY DURKEE BUILDING INTO SPACES FOR 19 RESIDENTIAL (LIVE/WORK) UNITS AND ONE COMMERCIAL UNIT (CAFE). (BLDG. "A").
- USE PERMIT UNDER SECTION 12.7(a)(2) TO CONVERT THE EXISTING SPICE BUILDING (BLDG. "B") TO ACCOMMODATE A THEATRE.
- USE PERMIT UNDER SECTION 15.1-1 TO ALTER AND RELOCATE, WITHIN THE DURKEE BUILDING, FOUR (4) EXISTING RESIDENTIAL (LIVE/WORK) UNITS.
- USE PERMIT UNDER SECTION 15.1-3 TO DEMOLISH THE BUILDING KNOWN AS 810 HEINZ/EXPERIMENTAL KITCHEN, AN 81 FOOT FREE-STANDING SMOKESTACK, AND OPEN METAL FRAME STRUCTURE.
- VARIANCE FROM SECTION 12.2 TO CONSTRUCT A PORTION OF BUILDING "F" TO A HEIGHT OF 60 FEET, AS SHOWN ON THE ATTACHED ELEVATION (45' LIMIT).
- VARIANCE FROM SECTION 15.6(q)(4) TO EXCEED THE DRIVEWAY WIDTH FOR FOUR (4) DRIVEWAYS (ANGLED PARKING AT THE STREET) AND TO EXCEED 50% OF THE REQUIRED YARD FOR THE SAME.

NOTE: NEW BUILDING "C", "E" AND "F" ARE INTENDED PRIMARILY FOR OFFICE USE, ALTHOUGH SOME PORTIONS MAY BE USED FOR OTHER PURPOSES, INCLUDING LIGHT INDUSTRIAL AND RETAIL. SUBSEQUENT USE PERMITS WILL BE REQUIRED TO OPERATE THE THEATRE, CAFE, CHILDCARE CENTER, AND OTHER FUTURE USES WHICH NORMALLY REQUIRE PERMITS UNDER THE ZONING ORDINANCE.

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CONTINUED ON NEXT SHEET...

JUL 1 1987

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THE PROJECT SITE IS DESIGNATED AS A LANDMARK SITE UNDER BERKELEY'S LANDMARK PRESERVATION ORDINANCE. THE LANDMARK PRESERVATION COMMISSION, AND CITY COUNCIL ACTING ON APPEAL, HAVE GRANTED NECESSARY APPROVALS FOR THIS PROJECT.

ENV. STATUS:

A FINAL EIR WAS CERTIFIED BY THE BOARD OF ADJUSTMENTS ON DECEMBER 10, 1986; AN EIR ADDENDUM HAS BEEN SUBSEQUENTLY PREPARED, AND THEREFORE, AMENDMENT OF THE PRIOR CERTIFICATION IS REQUIRED AS PART OF THIS ACTION. THE ADDENDUM PERTAINS SPECIFICALLY TO DESIGN CHANGES WHICH HAVE BEEN INCORPORATED IN THE PROJECT, AND THE ADDITION OF 18,000 SQUARE FEET TO BUILDING "F".

ATTACHMENTS: Vicinity Map X, Site Plan X, Floor Plan X, Elevations X,

Perspective____, Photographs____, Applicant's Statement____,

Other____.

Response to this notice can be made verbally at the public hearing, or in writing. All written communications will be distributed to the Boardmembers. Mail written responses to Current Planning Division, 2180 Milvia Street, Berkeley, CA 94704.

NOTICE: If you object to this project or to any City action or procedure relating to this project application, any lawsuit which you may later file may be limited to those issues raised by you or someone else in the public hearing on this project or in written communications presented at or prior to the public hearing.

750 Heinz Street and 2900 Fifth Street (Durkee Site)

88 01217

VICINITY MAP



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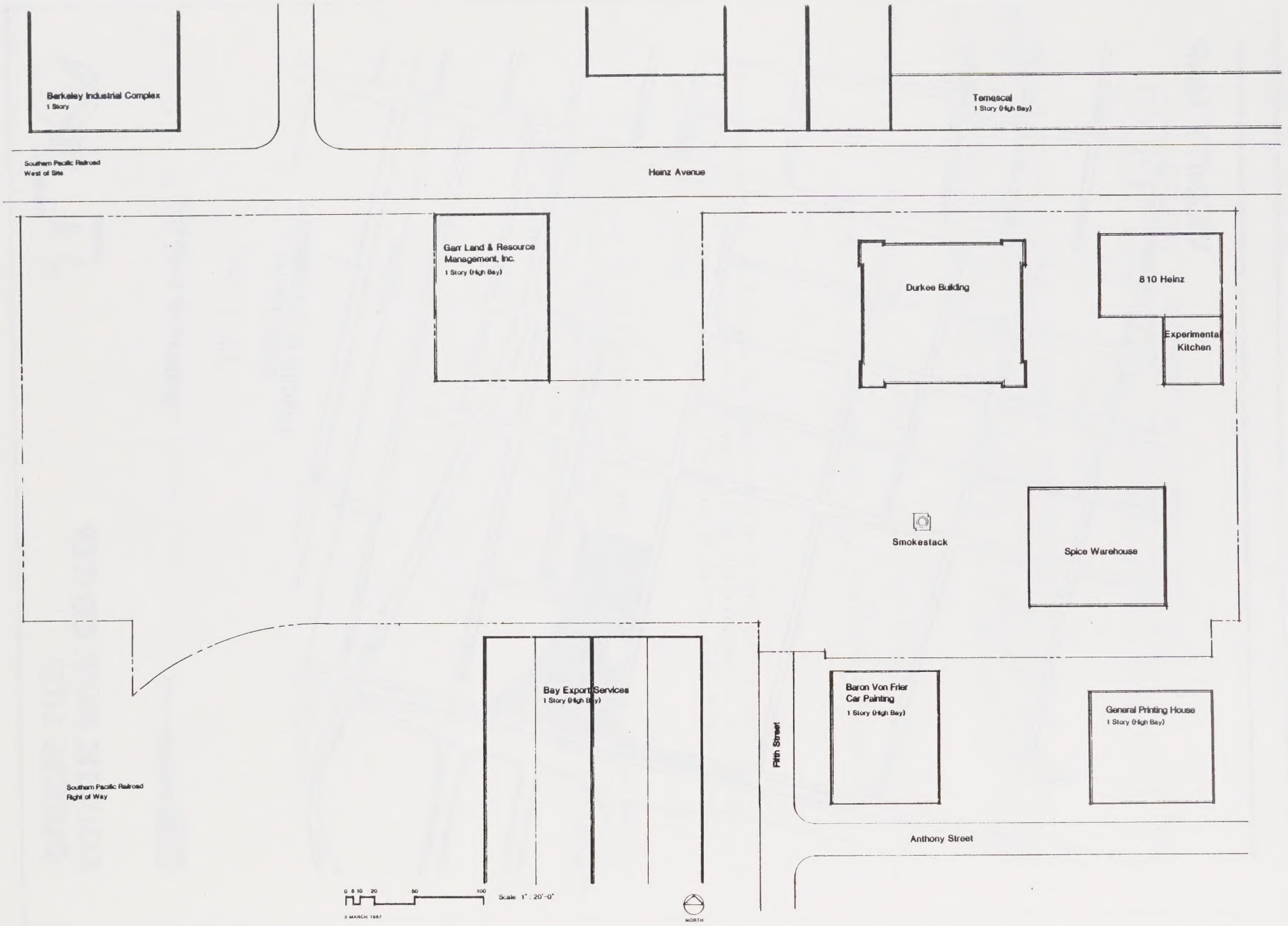
JUL 1 1987

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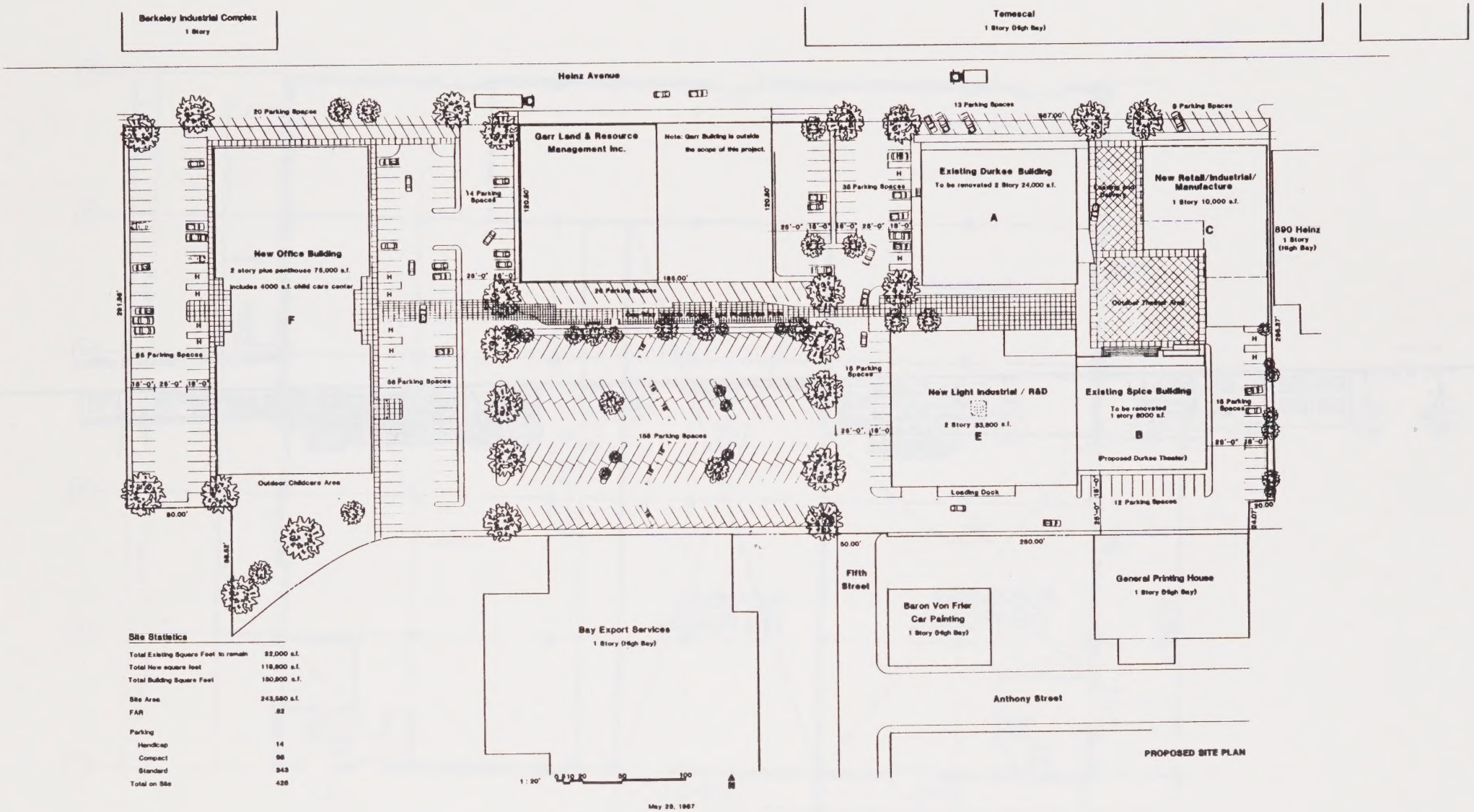
PROJECT SITE

AQUATIC PARK CENTER (DURKEE SITE)

0 200 500 feet



EXISTING SITE PLAN



Site Statistics

Total Existing Square Feet to remain	32,000 s.f.
Total New square feet	118,800 s.f.
Total Building Square Feet	150,800 s.f.
Site Area	243,580 s.f.
FAR	.62
Parking	
Handicap	14
Compact	98
Standard	343
Total on Site	426

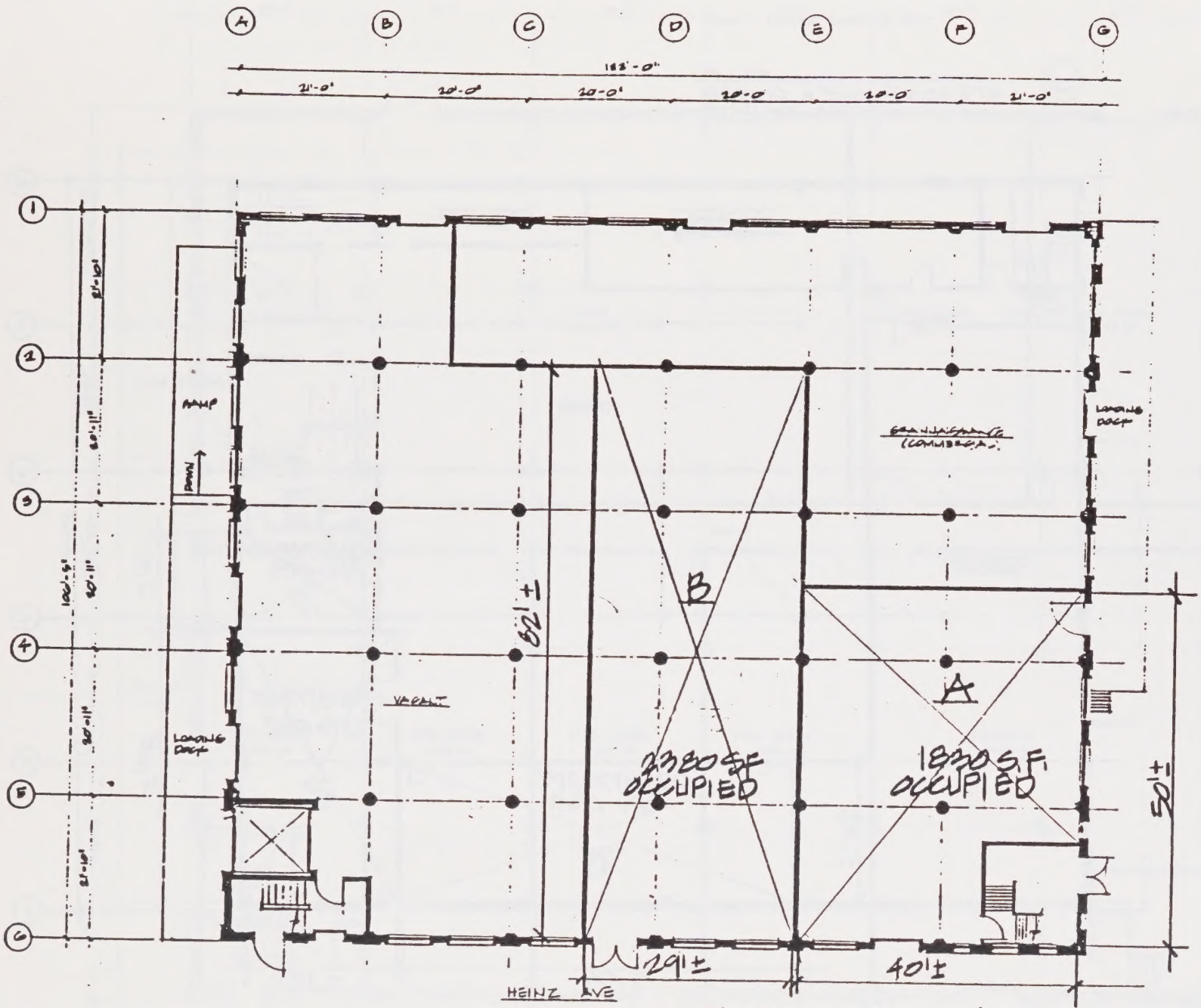
PROPOSED SITE PLAN

May 28, 1987



3 MARCH 1987

STREET ELEVATION - HEINZ AVENUE



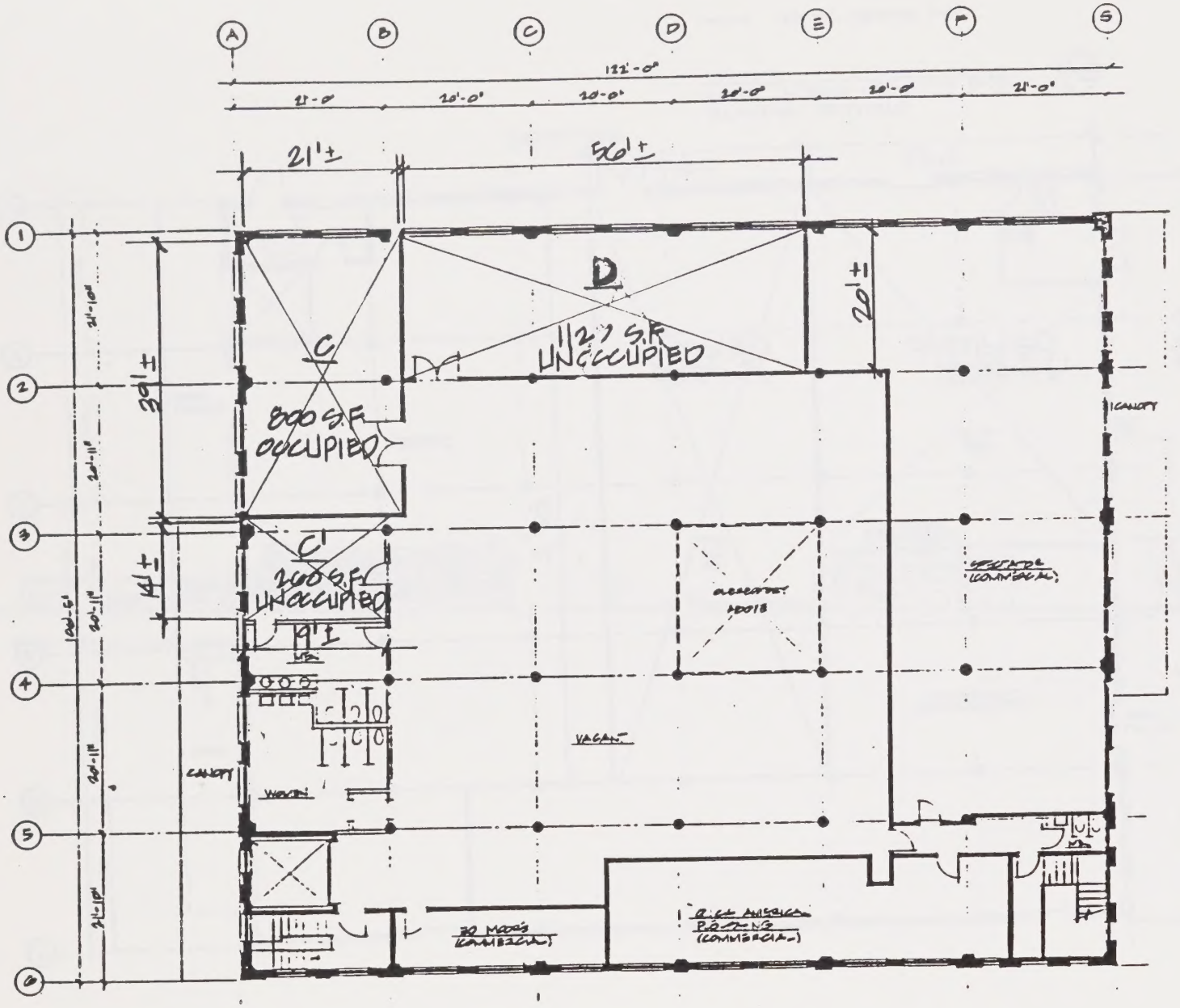
EXISTING TENANTS
FIRST F-002 - DURKEE BLDG.
1/61 = 1'-0"

TENANT DEMISING LINE

NOTE: SQUARE FEET SHOWN ARE APPROXIMATE

de Tienne Associates

28 JAN '87



EXISTING TENANTS
SECOND FLOOR - DUPLEX BLDG

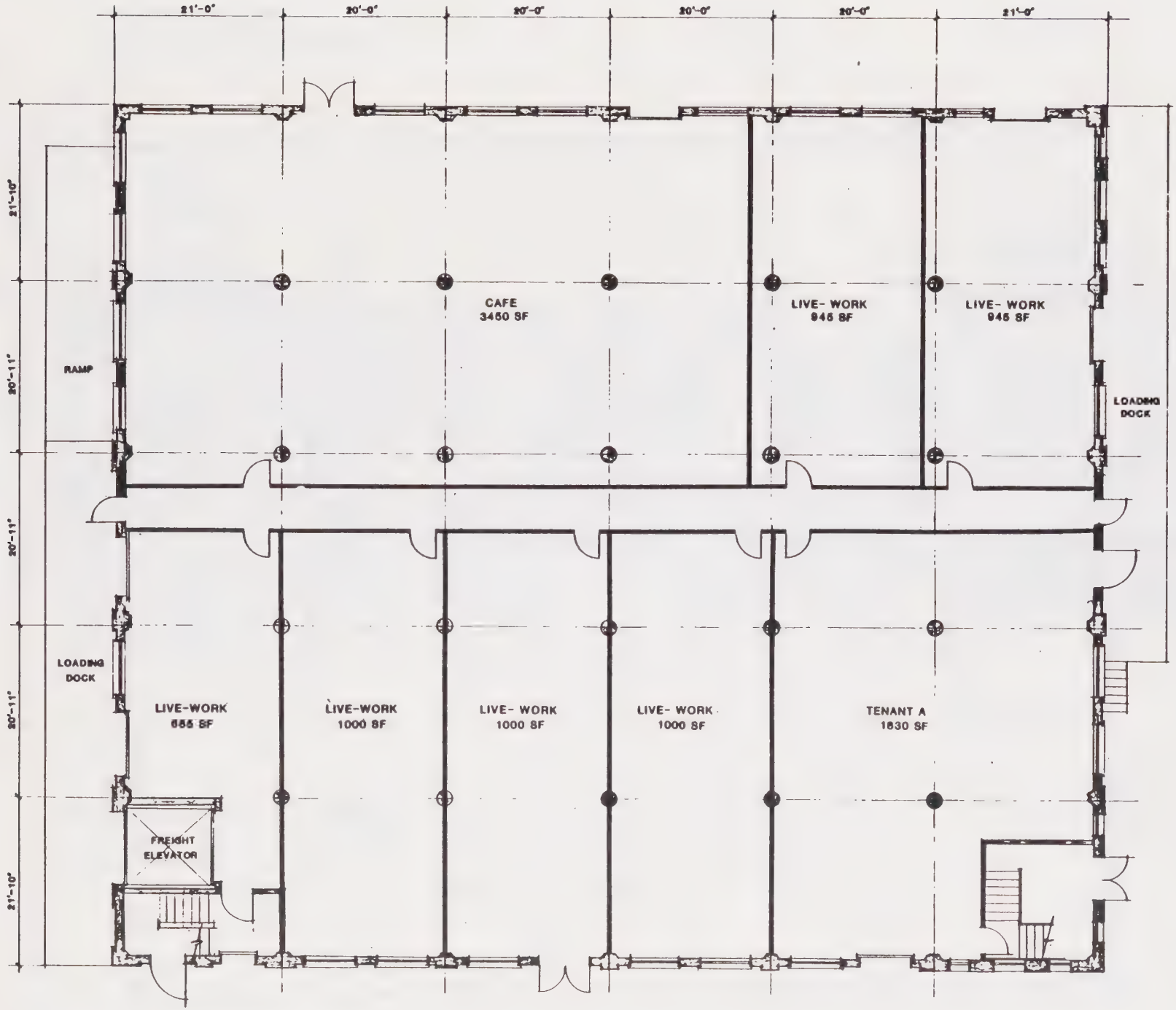
1/64" = 1'-0"

TENANT DEMISING WALL

NOTE: SQUARE FEET SHOWN ARE APPROXIMATE

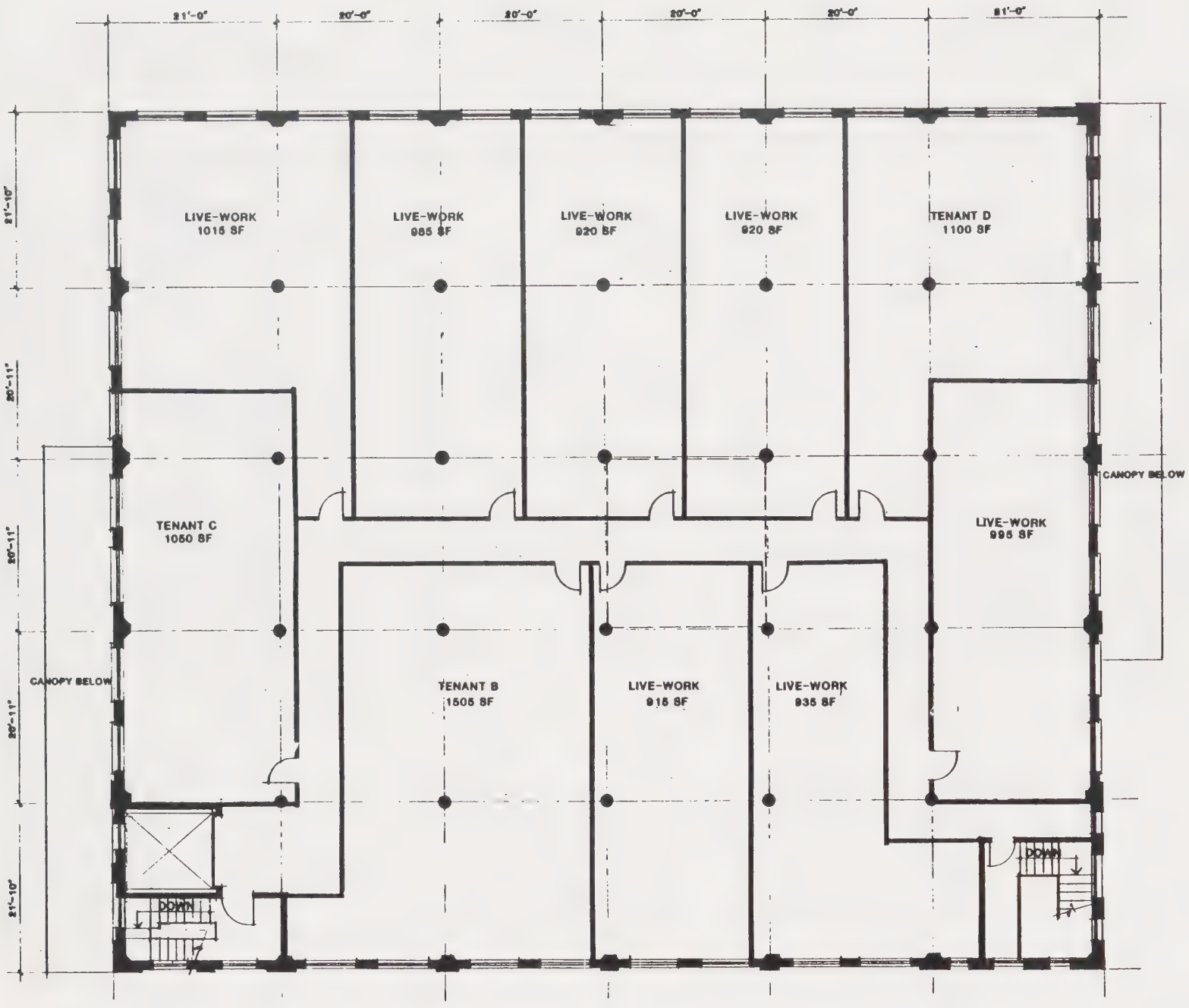
ALL RIGHTS RESERVED

28 JAN '87



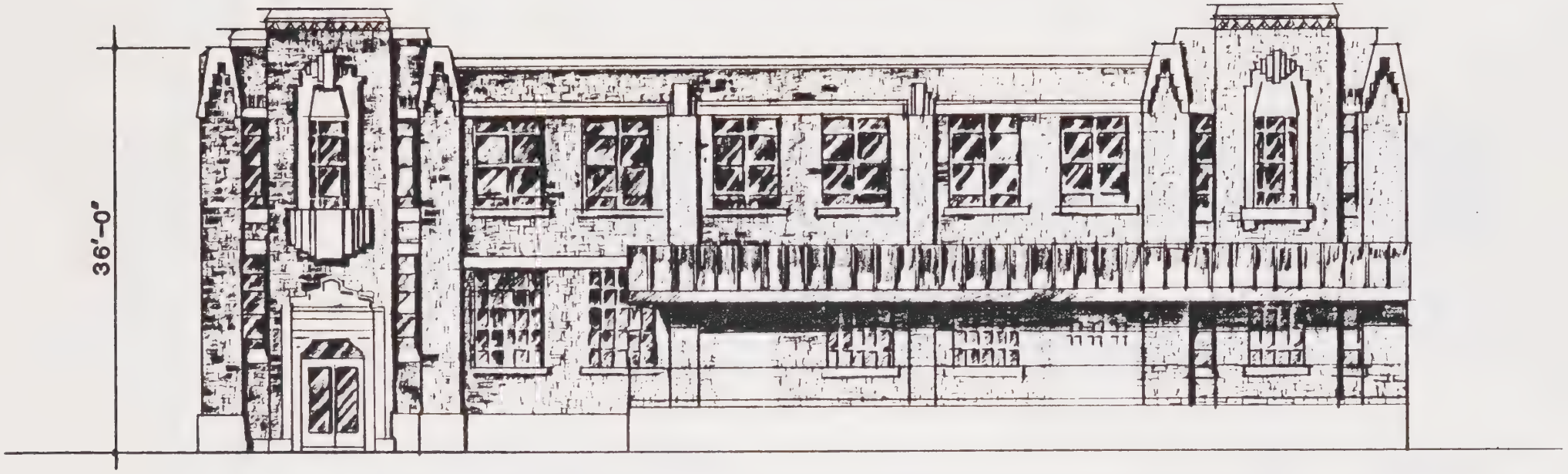
BUILDING A-DURKEE
FIRST FLOOR

28 MAY 1987



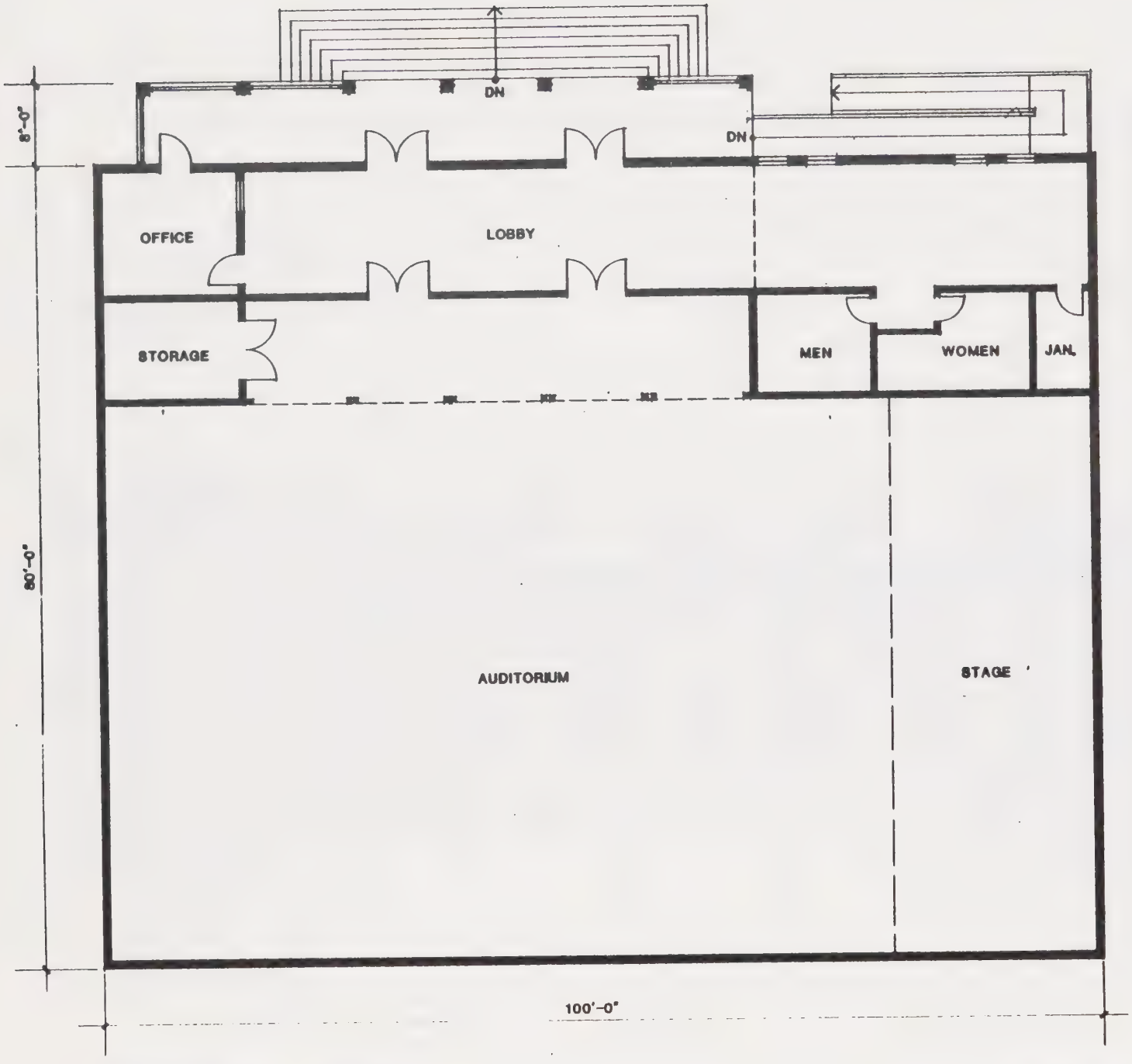
BUILDING A - DURKEE
SECOND FLOOR

28 MAY 1987



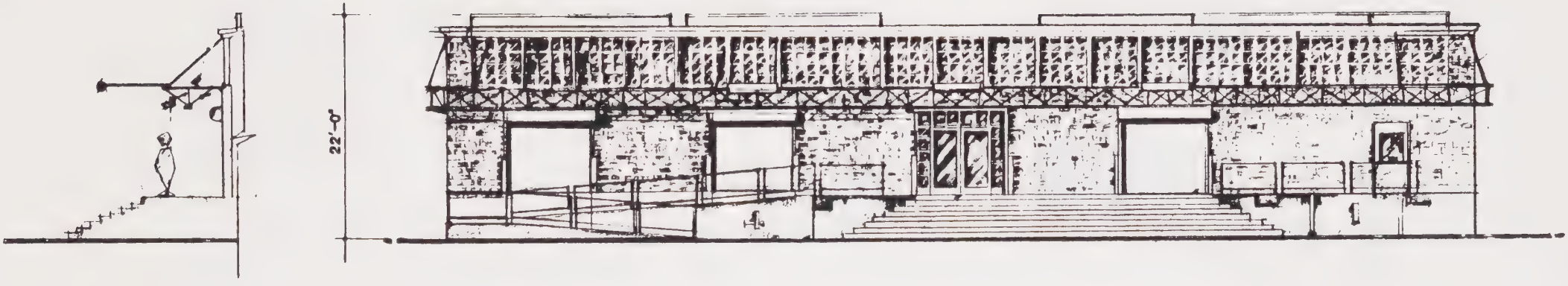
BUILDING A - DURKEE
WEST ELEVATION

3 MARCH 1967



BUILDING B - SPICE
FLOOR PLAN

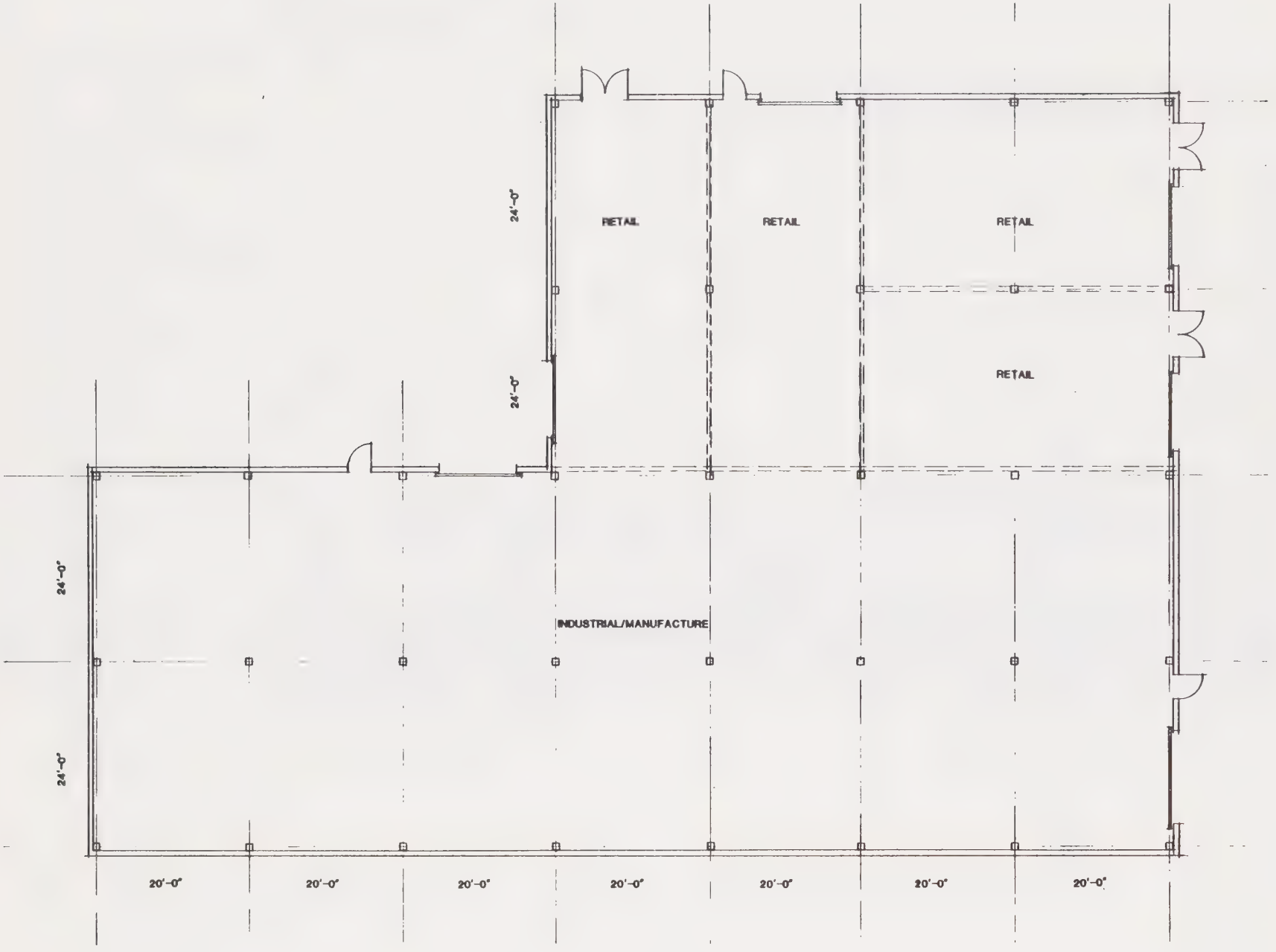
28 MAY 1987



BUILDING B - SPICE

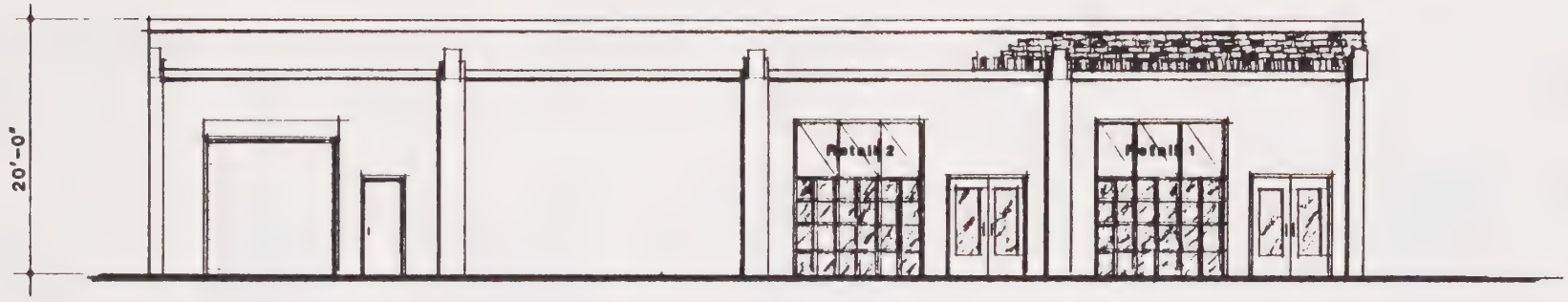
NORTH ELEVATION

3 MARCH 1987



BUILDING C
FLOOR PLAN

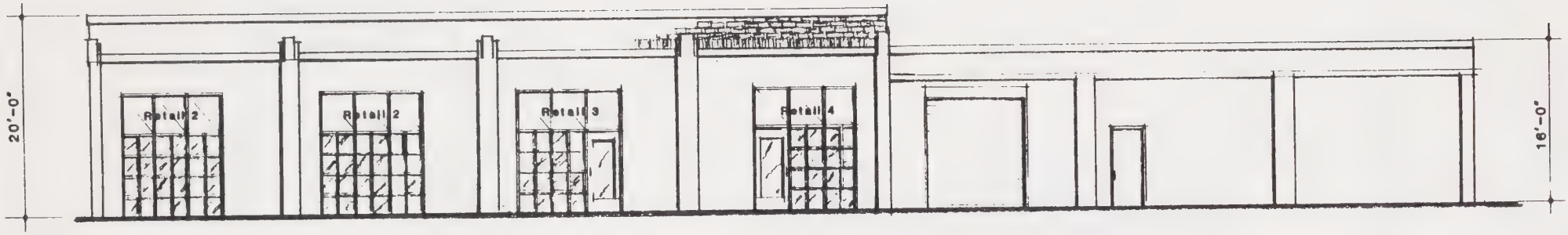
NORTH



BUILDING C

NORTH ELEVATION

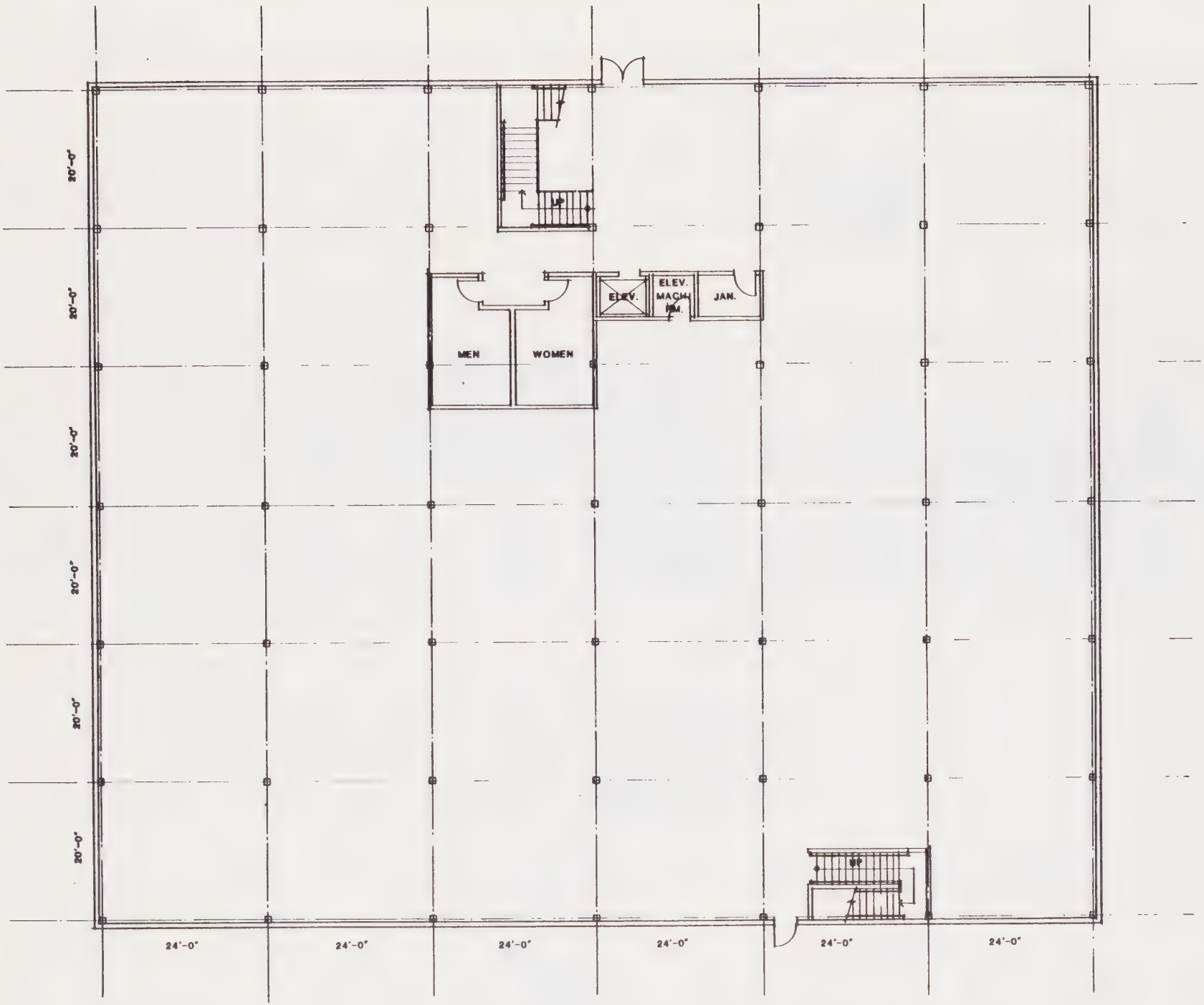
3 MARCH 1987



BUILDING C

WEST ELEVATION

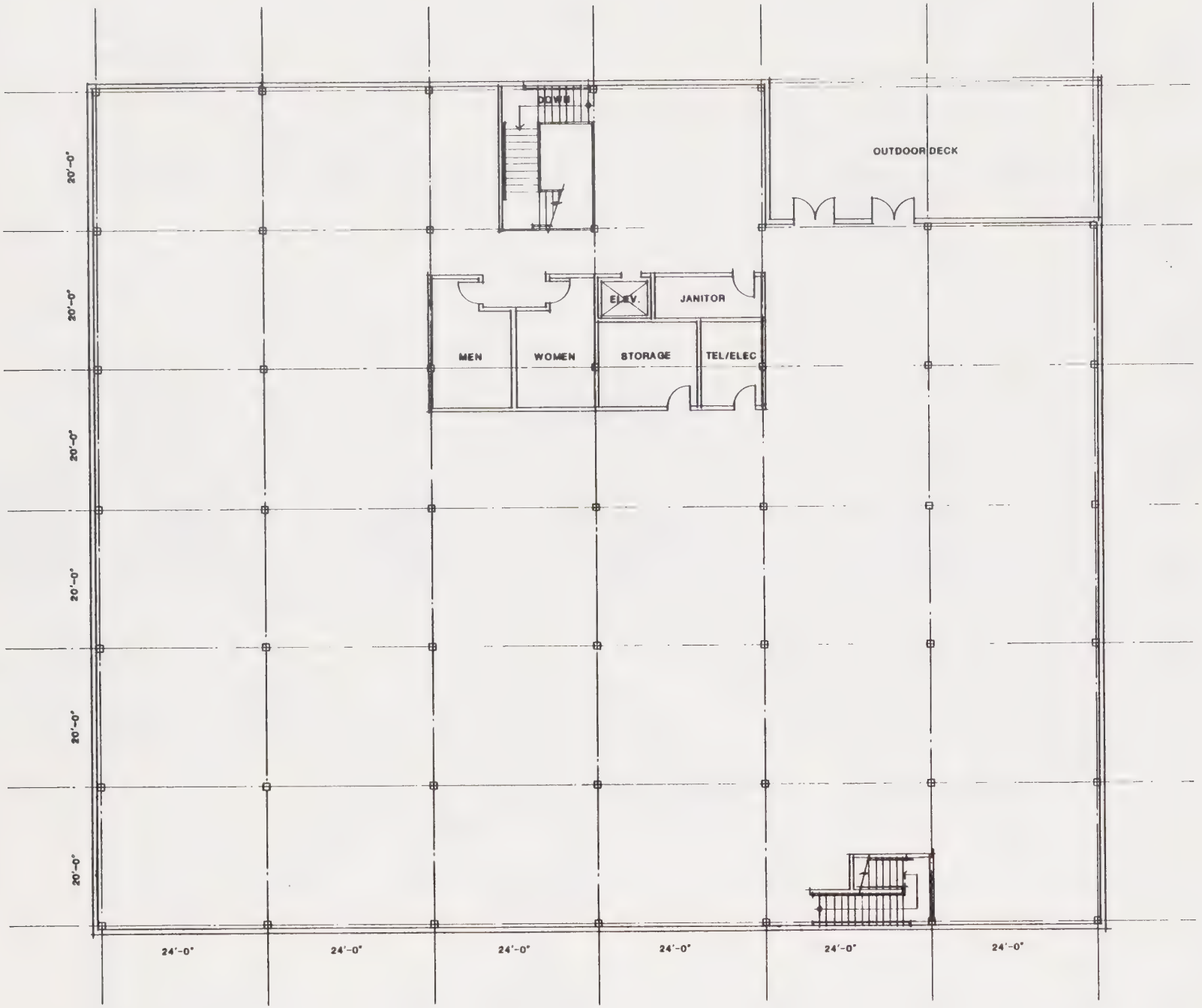
3 MARCH 1987



BUILDING E
FIRST FLOOR

NORTH

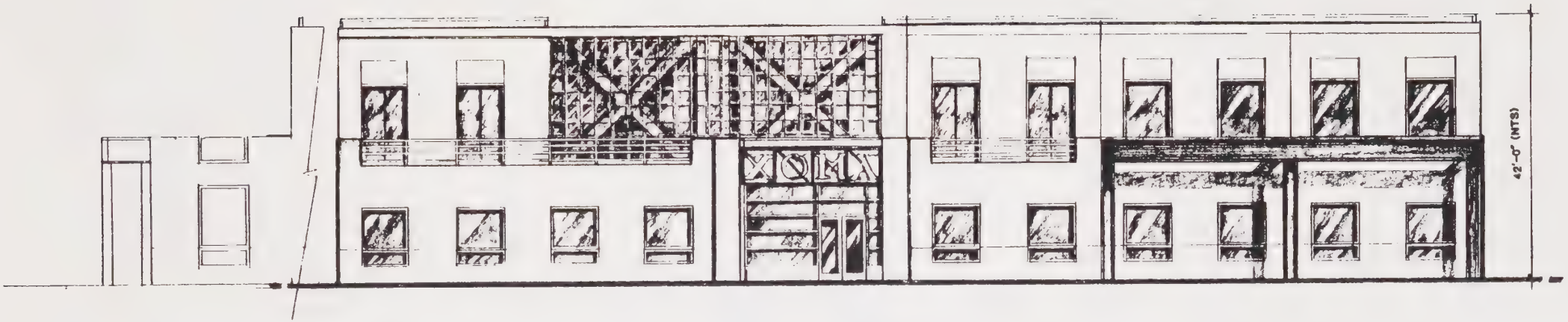
3 MARCH 1987



BUILDING E
SECOND FLOOR

NORTH

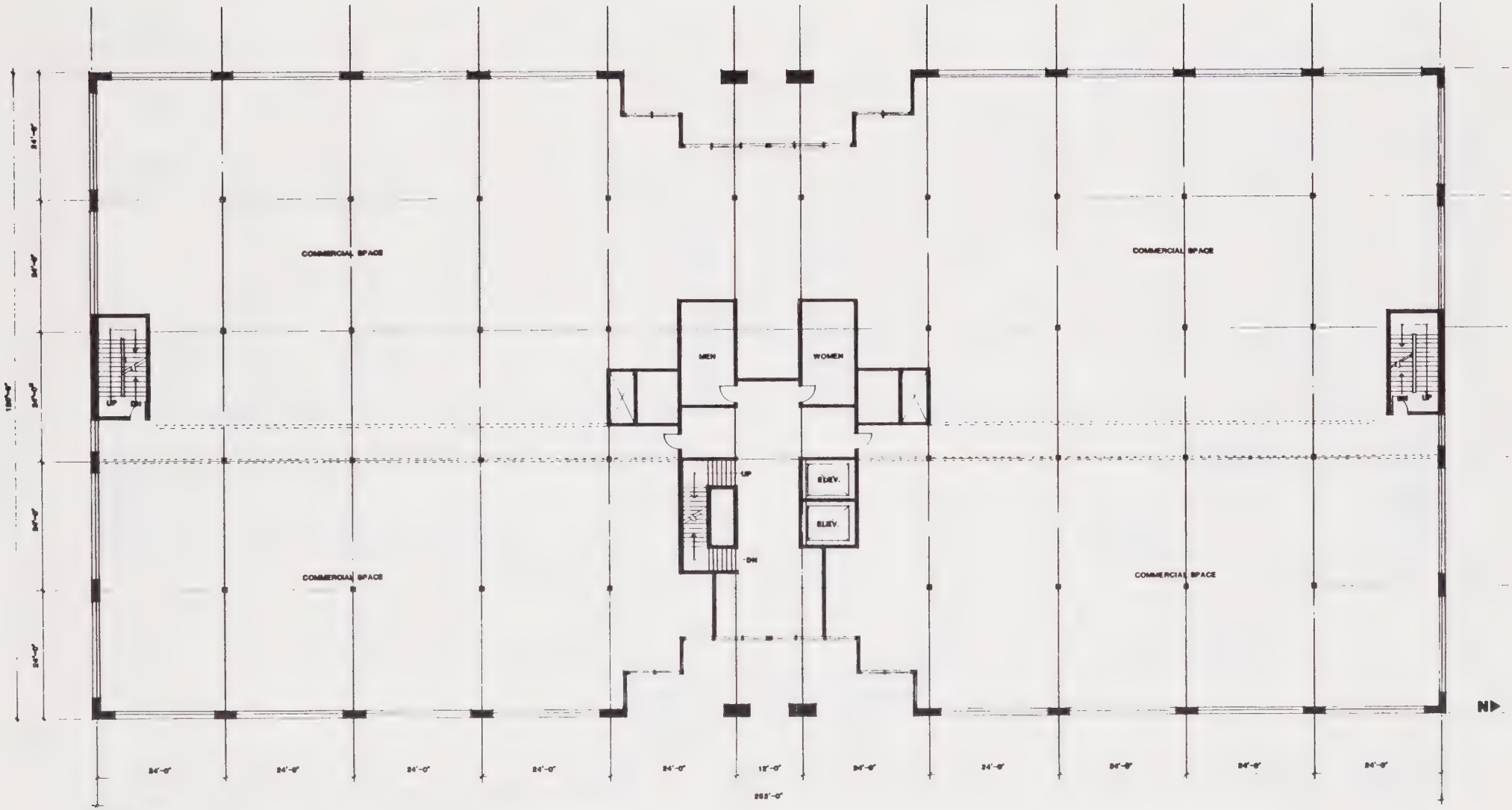
3 MARCH 1987



BUILDING E

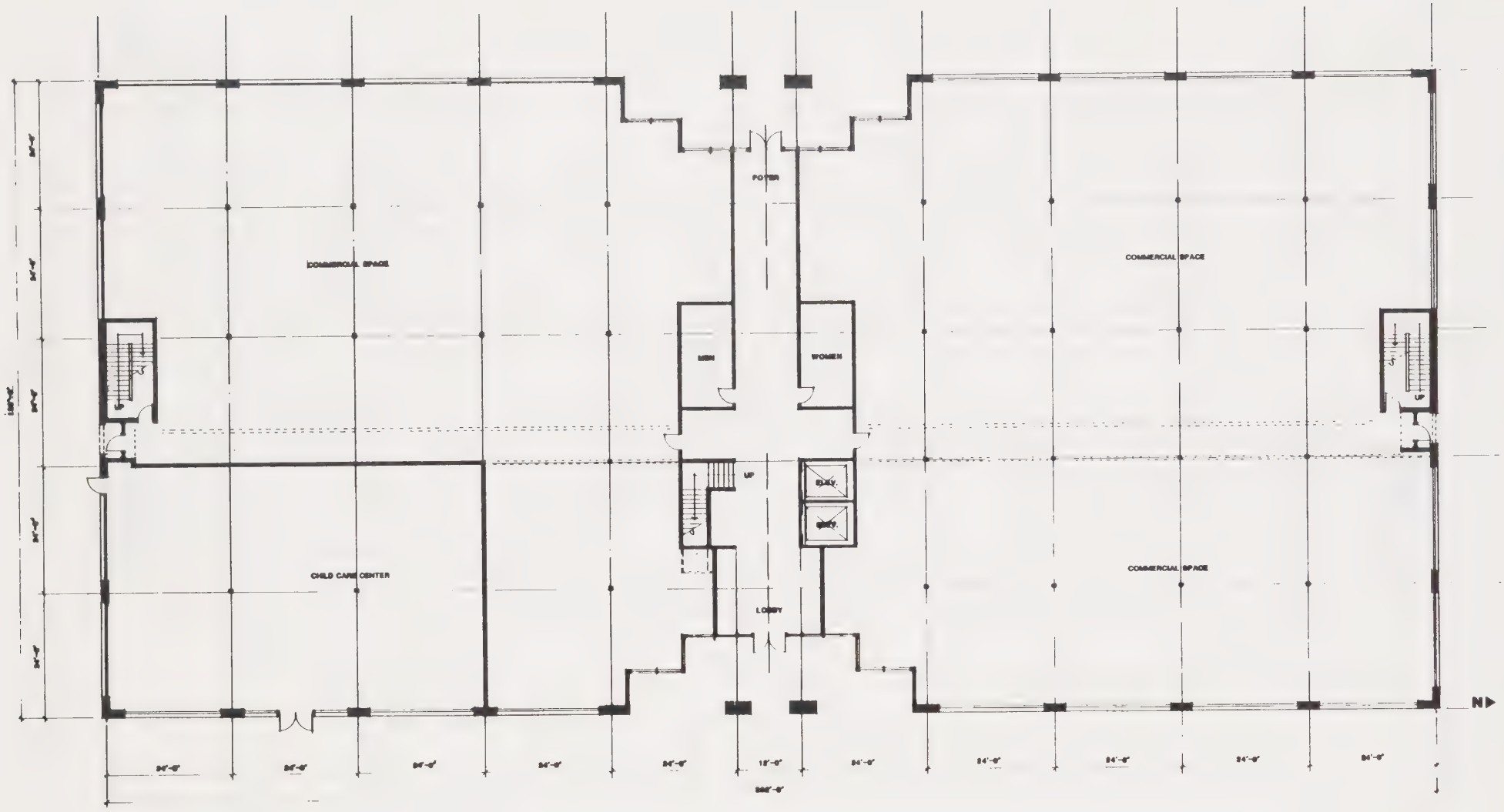
NORTH ELEVATION

3 MARCH 1987



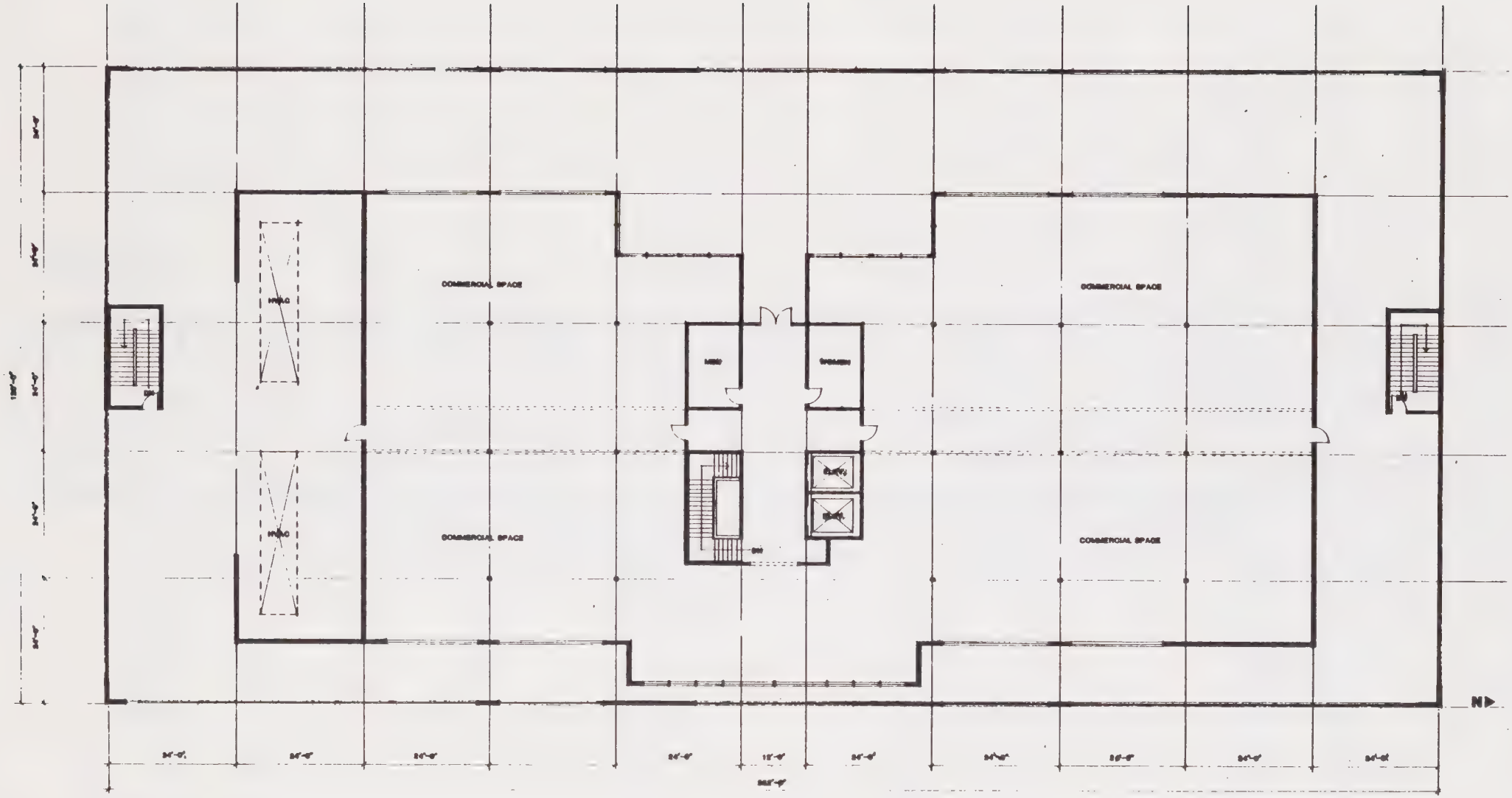
BUILDING F
SECOND FLOOR

28 MAY 1987



BUILDING F
FIRST FLOOR

28 MAY 1987



BUILDING F
PENTHOUSE

30 MAY 1985



28 MAY 1987

BUILDING F
EAST ELEVATION

1) Amend 12-11-86 FEIR - 86-5-87

WAREHAM DEVELOPMENT
Project #8619-A

· done in accord w/ CEQA
- dwg submitted w/ doc (from decade to roll back

APPLICANT STATEMENT - 750 HEINZ STREET/2900 FIFTH STREET (DURKEE SITE)

Wareham Development submits the following statement to the Board of Adjustments in support of its demolition and use permit applications and variances for the Aquatic Park Center ("Durkee") Project, a new mixed-use project including new construction and renovation.

2) Findings under CEQA
EI awarded or substantially lessened

EXISTING CONDITIONS 3) Approve UP's & Variances

Currently, there are four major structures on the landmark site: the Durkee (Building A) and Spice (Building B) buildings, the 810 Heinz/ Experimental Kitchen Building, the smokestack, and the remnant of an old structure (a steel framework). Wareham is hereby requesting use permits for demolition for the 810 Heinz/Experimental Kitchen Building, the smokestack., and the existing open steel framework. This will leave the two major structures on the site, the Durkee (Building A) and Spice (Building B) Buildings, for renovation.

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PROJECT OVERVIEW (Design Issues addressed by Res Element)

The Aquatic Park Center Project, as proposed, will include the renovation and new construction of 150,800 square feet of mixed-use development in five buildings on the seven-acre site. Of the five buildings, two will be renovated structures with adaptive re-use for live-work, theater, and commercial use; two of the buildings replace former structures; and one is new.

Unit Mix

In addition to the demolition permits, Wareham requests **use permits** for the construction of the following:

1. A new 10,000 square foot, one-story structure (Building "C") for light industry and retail to occupy approximately the same footprint as the existing 810 Heinz building.

2. A new 33,800 square foot, two-story structure (Building "E") for R & D to occupy approximately the same footprint as the former Winterizing Building.

3. A new 75,000 square foot, two-story structure with penthouse (Building "F") for commercial to occupy the western portion of the site.

Finally, Wareham requests **use permits** for the relocation of four existing live-work tenants in the Durkee Building (Building A), and the conversion of the remaining 18,500 square feet to live-work units and a cafe.

This project statement and design conforms to the Final EIR, mitigates the impacts identified therein, and promotes the purposes of the City of Berkeley. Accordingly, we urge the Board of Adjustments to issue the requested permits after the public hearing of June 17, 1987.

PROJECT DESCRIPTION AND RATIONALE

The purpose of this project is to provide Berkeley, specifically West Berkeley, with a multi-use cultural and commercial center that preserves the industrial heritage of the site and neighborhood. This purpose is reflected in both the project's massing and architectural design.

The character of the project is set by the Durkee (Building A) and Spice (Building B) buildings, two red brick structures from the art deco era of the 1920s, and their adjacent courtyard. The Durkee Building will be used primarily for live-work and a cafe. The Spice Building will be renovated for a community theater leased by the Berkeley Jewish Theater.

Together with Building C, which will replace 810 Heinz, these buildings will enhance the historic inner courtyard as a walkway and gathering place. In addition, the courtyard will be hardscaped to accommodate outdoor performance art.

Building C will be used for light industry, manufacturing, and retail. Its design features include high bay space, roll-up doors, parapets, and banded brick. These features will be compatible with the surrounding Durkee and Spice buildings.

Building E will be located within the approximate footprint of the former Winterizing Building, thus preserving the historic multi-story massing of the eastern portion of the site. It will be occupied by Xoma Corporation, a Berkeley-based bio-tech R & D manufacturing firm. The building's design features will include steel industrial railings, multi-lite windows, exposed metal trusses, and a special entry treatment.

Building F will be used for office space. To make it compatible with the industrial project design, it will include a large glass entry and steel railings.

In addition to these industrial design features, Building F will also be linked to the rest of the project by a central corridor. The corridor will be paved with either brick or bomanite to enhance the textural linkages between the buildings.

In keeping with the industrial design, trees and shrubbery will be enclosed in iron grates with low lights. The building entries will have high mounted accent lights to emphasize their industrial character.

Parking: The final project design will include 425 on-site parking spaces, thereby meeting the impact identified in the EIR.

BACKGROUND

Wareham initiated the Aquatic Park Center Project in January, 1985. In August, 1985, the LPC designated the site a landmark, and subsequent to this decision, an EIR was prepared and certified by the Board of Adjustments in December, 1986 (see Attachment A for an outline chronology of the Project).

Since then, Wareham has met on numerous occasions with the Office of Economic Development and the Planning and Community Development Department to negotiate a mutual agreement regarding a recommended mitigation package. In addition, Wareham representatives and the LPC have met on many occasions over the last year to ensure that the final project design would meet the LPC's concerns within the constraints of financial feasibility. (Note: The LPC has retained design review authority following use permit approvals.)

This task was accomplished, with the exception of the smokestack demolition, on March 30, 1987, when the LPC approved the demolition permits (excepting the smokestack) and the new construction proposed under the Landmarks Preservation Ordinance.

An appeal was filed by Wareham regarding the smokestack demolition. The City Council held three public hearings in May, 1987, as well as two workshop meetings to consider the alternatives of dealing with the smoke-stack issue.

On May 19, 1987 the City Council voted to reverse the LPC decision on the smokestack allowing it to be demolished, and allowing Building E to be constructed in its place. In addition, the City Council allowed Wareham an additional 6,000 square feet on Building F, with designated revenues to be used for additional historic preservation efforts.

A continuing community concern about lease agreements between the live-work artists in the Durkee Building and Wareham has been resolved by mutual written agreement and lease. In brief, the four units will be registered with the Rent Board, and the tenants will receive their existing square footage or an agreed-upon size, with required improve-ments to meet current building codes.

DISCUSSION

Wareham requests use permits in conformance with the general standards in Section 20.2. In general, the proposed uses will not be detrimental to the neighborhood, and other circumstances and property noted in Section 20.2 as the proposed uses are synonymous with the industrial character and landmark status of the site, because the project provides a general welfare benefit to the City, creates numerous jobs, provides a cultural center foa a theater and live-work artists, and because potential impacts identified in the EIR have been mitigated either through project changes or provisions in the recommended mitigation package.

The following four sections require conformance in order to obtain use permits:

1. Under Section 15.1-1, Conversion of Dwelling Units to Non-Residential Use, Wareham proposes the relocation of the four existing live-work units totalling approximately 5,500 square feet to another location within the Durkee Building (Building A). The relocation of these units within the Durkee Building will not reduce the housing supply (15.1-1(c)(1)), nor reduce the utility of those units as a place of residence. This is evidenced by the mutual tenant agreement which calls for improvements to be made to these spaces and for the units to be registered with the Rent Stabilization Board.

2. Wareham proposes to convert the remaining 18,500 square feet in the Durkee Building to live-work housing and a cafe of 3,000-4,000 square feet. Historically, the building has been used for both a mix of live-work and commercial tenants, such as Grainnaisance Bakery and a magazine publication. This mixed-use character enlivens the site and provides affordable housing for live-work artists. Wareham will create 18 live-work units (Note: 17 units are proposed, with one unit to be divided in the future to total 18 units). Wareham requests this conversion under Section 12.7(a)(2) of the Zoning Ordinance.

3. Wareham also proposes the new construction of 118,800 square feet for Buildings C, E, and F, as described in the Project Overview under Section 12.7(a)(1). These buildings conform to zoning standards (except as provided in the variance below). On-site parking has been provided beyond the required number of stalls, and any detrimental effects which might otherwise be caused by the buildings' use are eliminated by the provisions of the mitigation package.

DISCUSSION (cont'd)

4. Under Section 15.1-3, Wareham requests the demolition of the 80-foot-high smokestack, a 7,900 square feet structure known as 810 Heinz/Experimental Kitchen, and an open steel framework. The LPC has approved demolition of 810 Heinz, and the City Council has approved Wareham's appeal to demolish the smokestack. The demolitions will not be detrimental, and are in conformance with Section 20.2. In addition, the 810 Heinz and smokestack demolitions are necessary to allow for the approved new use on the site (Section 15.1-3(b)(1)). The demolition of the steel framework is necessary to construct parking for the approved new uses.

Two variances are also required for the proposed project:

1. To accommodate angled parking areas at the street frontage, Wareham requests a variance to exceed the twenty-foot driveway width at the property line, and to exceed more than 50% of the width of the street frontage for these parking areas (Section 15.6(g)(4)). Briefly, under Section 19.7:

   (a) There are exceptional circumstances which require angled parking on the street frontage due to the location of existing structures and requirements set forth by the LPC on this landmark site. Parking must be located in these areas in order for the Project to fulfill the LPC requirement of providing street parking to preserve the industrial character, and allow the project to proceed through design review;

   (b) The granting is necessary for the preservation and enjoyment of substantial property rights. It is necessary to develop the site in this manner in order to meet the standards imposed by the LPC.

   (c) The granting will not adversely affect the conditions stated in this section. There will be no adverse effects by allowing parking in these areas. The City Traffic Engineer has reviewed the plans and concurs with the angled parking scheme, and the variance will benefit the City as a whole by providing additional parking.

DISCUSSION (cont'd)

2. Wareham requests a variance from Section 12.2 to construct a portion of Building F to a height of 60 feet, which exceeds the 45-foot height limit.

   Under Section 19.7:

   (a) There are exceptional circumstances to proceed with the additional height in order to satisfy the design requirements of the LPC on this landmark site. The aesthetics of the building dictated by the LPC require the entry bay height increased beyond 45 feet to provide an antrium-type entry and a building compatible with other structures on the site.

   (b) The granting is necessary in order for the project to proceed economically for Wareham. In order to develop the site, Wareham is required to meet the standards imposed by the LPC.

   (c) The additional height will not have any adverse effects, as stated in this section. No views to the west from surrounding structures will be blocked, nor does the additional height pose any safety or health hazard. This variance will benefit the City as a whole by providing a more attractive project.

CONCLUSION

Wareham urges the Board of Adjustments to grant the following variances:

1. Under Section 15.6(q)(4) and Section 19.7, to grant a variance allowing angled parking on the street.

2. Under Section 12.2 and Section 19.7, to grant a variance allowing a portion of Building F to exceed the 45-foot height limit to 60 feet.

CONCLUSION (continued)

Wareham urges the Board of Adjustments to make the following findings in order to grant Use Permits:

1. Under the Zoning Ordinance, Section 20.2 (Use Permits), that the requested demolition and construction permits would not be detrimental to neighbors or the city as a whole.

2. Under Section 15.1-1, that the requested relocations of four existing live-work units be granted.

3. Under Section 12.7(a)(2), the conversion of the remaining square footage in the Durkee Building be granted.

4. Under Section 12.7(a)(1), the request for new construction of 118,800 square feet be granted.

5. Under Section 15.1-3, the demolition of the 810 Heinz/Experimental Kitchen, the smokestack, and the open steel framework be granted.

This statement has been prepared by Darrell de Tienne of de Tienne Associates, authorized representative of the project applicant.

Darrell de Tienne

cc: Mr. Rich Robbins
Mr. Gil Kelley
Mr. Mark Paez
Landmarks Preservation Commission
Mr. Neil Mayer
Mr. Bill Lambert

A:APP2R.DE
6/12/87

P R O P O S E D

SECOND

ADDENDUM TO FINAL EIR

for the

AQUATIC PARK CENTER PROJECT (DURKEE SITE)

SCH NO. 86071501

6/5/87

This document has been prepared by the City of Berkeley, Planning and Community Development Department. It sets forth certain additions and revisions to the Final EIR for this project, prepared by Mundie and Associates, published November, 1986. The Final EIR, together with a first addendum, was certified as complete by the Board of Adjustments on 12/11/86. The contents of this second addendum concern changes to the project which have occured since the EIR was first certified.

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Introduction.

The purpose of this EIR addendum is to record certain changes which have occurred in the proposed project since certification of the final EIR in December, 1986, and to relate these changes to the findings of that final EIR. This addendum has been prepared and presented prior to action on the required development permits for the project (action on the use permits and variances by the Board of Adjustments).

The changes in the project involve such things as the addition of more live/work units, a childcare center, a minor amount of office space, changes in the configuration of some of the buildings, and demolition of the smokestack. (Smokestack demolition was evaluated as part of the project in the draft EIR, but was noted as being retained in the November, 1986 supplement.) Many of these changes have been made explicitly for the purpose of incorporating recommended mitigation measures into the project (childcare, housing, building configurations), while others have been made for the purpose of increasing or retaining the project's economic viability.

This addendum first describes the project revisions, and then evaluates these changes in terms of the impacts and recommended mitigation measures already set forth in the previously certified final EIR. As the reader will find, the revisions in the project will not cause significant new effects which are not already examined in the EIR, nor will they cause the already identified impacts to be substantially more severe, nor will they call for new types of mitigation measures, nor make any mitigation measures or alternatives previously thought to be infeasible now feasible. Additionally, only minor additions and changes to the previously certified EIR are necessary to make it adequate under CEQA.

Project Description (Revisions).

Revisions made to the project since certification of the final EIR are as follows:

- **addition of 3,000 square feet** to building `F' for a **childcare center,** for use by workers at the site and in the vicinity - this responds to a mitigation measure recommended in the EIR

- **addition of 12,000 square feet to building `F'** (partial third story) for office space - **no net gain in commercial square footage** because 12,000 square feet in building `A' was converted from office/retail space to residential (live/work) units

- **inclusion of 13 additional residential (live/work) units** in building `A' (conversion of approximately 12,000 square feet of previously proposed commercial space) - responds to a recommended housing mitigation measure in the EIR

- **addition of an increment of land** to the southwestern corner of the site (approximately .25 acres), and use of this for an additional **25 parking spaces** to accomodate the incremental parking demand of the office and childcare additions

- **demolition of the 81-foot high freestanding smokestack** at the location of proposed new building `E' (previously proposed to ber demolished in draft EIR, but noted as being retained in final EIR supplement)

- **changes to the height, bulk, and footprints of proposed buildings `C', `E', and `F'** - specifically: (elimination of second story on building `C' and reduction of its footprint, addition of partial second story to building`E', addition of 3-story atrium to building `F', and shift of the building `F' footprint eastward - **no net gain in commercial square footage** as a result of these changes - changes made partially in response to recommended landmarks/design mitigation measures, partially proposed to increase/retain project's economic viability

- **possible supplemental 6,000 square foot addition to third story of building `F'** - in response to City Council request to consider this in exchange for contribution of **additional mitigation funds for historic preservation** (4,000 is currently proposed to be used as office, 2,000 as an addition to the childcare center)

In summary, the net additions to the proposed project are: 4,000-6,000 square feet of office space, 3,000-5,000 square feet for childcare, and 13 live/work units (about 12,000 square feet).

Setting, Impacts, and Mitigation Measures.

The following text describes those modifications to the previously certified text which are necessary to make the evaluation of impacts and mitigation measures accurate and adequate, in light of the project revisions described above. The previous text for any impact category not discussed below may be assumed to be accurate (i.e. there would be no measurable change in impacts as a result of the project changes).

A. Land use planning and the site's landmark status.

1. Consistency with Land Use Policy.

The project revisions, particularly the addition of the live/work units and the childcare center, enhance the mixed use character of the project. As noted in the draft EIR, the mix of uses is encouraged by the Master Plan, and seems particulary compatible with the evolving policies of the West Berkeley Area Plan. Both uses are conditionally allowed (by use permit) by the `M' District zoning. The additional 4,000 to 6,000 square feet of office space would add incrementally, but not substantially, to the already identified land use impacts associated with continued office development in West Berkeley. (This addition would add about 5% to the office space previously proposed at the site, and would add less than 1% to the cumulative planned development in the vicinity.)

2. Relation to Site Development Standards.

The revised plan would require two variances not formerly required by the project. Both relate to site development standards - one to allow additional parking at the street, and the other to allow the proposed atrium portion of building `F' to exceed the height limit in the district. These have been proposed in response to design recommendations by the Landmarks Preservation Commission, and will need to be considered by the Board of Adjustments in the context of unique circumstances applying to a designated landmark site.

3. Historic and Architectural Resources Impacts.

The revised project proposes demolition of the 81-foot high brick smokestack. This was evaluated as part of the proposed project (Scenario One) in the draft EIR, but was noted as being retained in the final EIR supplement. The evaluation of impacts contained in the draft and final EIRs remains the same, i.e. that demolition or alteration of no one particular feature on the site (with the possible exception of the Durkee Building, building `A') can be said to be a significant environmental impact in and of itself, but that local decision-makers must consider the project design as a whole as it relates to the site's historic character and to the purposes of the local Landmarks Preservation Ordinance.

It should be noted that the Landmarks Preservation Commission (LPC) did act on the reqested demolitions, alterations and new construction requests for the site. On March 26, 1987 the LPC granted all requests except demolition of the smokestack, stating that the smokestack was a major contributor to the preservation of the site's historic character. Acting on an appeal of the decision by the applicant, the City Council reversed this part of the LPC decision, and granted permission to demolish the smokestack. In its deliberations, the Council agreed that the smokestack was a valuable aesthetic and historic contributor to the site's character, but concluded that its demolition would not, given the other historic preservation and design efforts on the site, constitute a significant environmental impact. As part of its action the Council also recommended that the various interested parties examine the possibility of adding an additional 6,000 square feet to building `F' (as now proposed), and thereby add certain additional funds to a project mitigation package, which could be used for further on-site or off-site historic preservation efforts. Designation of such funds was a possible mitigation measure described in the previously certified EIR.

In its ruling on the landmark appeal, Council found that the 6,000 square foot addition would not adversely affect the design of the project, from a landmarks point of view.

Employment and Housing.

The introduction of additional affordable live/work units and a childcare center at the site would help to offset impacts predicted in the previously certified EIR. The addition of 4,000 -6,000 square feet of office space would add incrementally, but not substantially, to the number of new jobs created by the project, and to their associated effects on demand for affordable housing and childcare. The job distribution and occupational mix would the same as that evaluated previously in the EIR. Based on information presented

previously, the new office addition could be expected to add 1 unit to the predicted demand for affordable housing, and the need for 2 additional childcare slots.

These incremental impacts would be subject to the same mitigations recommended in the EIR.

Transportation.

As with the other impact categories, the changes in the project would add incrementally, but not substantially, to the previously identified impacts, including trip generation and parking demand. Using the same trip generation rates used previously in the EIR, the net additions (office, live/work units, and childcare center) would result about 29 additional peak hour trips. This assumes that as many as half of the childcare center trips would be made seperately from workers already coming to and from the site, a conservative assumption. Assuming the same distribution pattern used previously in the EIR, this trips would add less than 1% to the predicted intersection volumes for all critical intersections identified in Table 11 of the final EIR, except for the 7th./Anthony intersection, to which about 2.5% would be added. None of these additions would result in a change in the predicted levels of service (LOS) for the identified intersections, nor would they change the conclusions set forth previously.

Parking demand at the site could be expected to increase by about 31 spaces. This would be partially offset by the addition 25 spaces in the newly acquired strip of land. Thus a net new demand of 6 spaces would be created beyond that previously identified in the EIR.

Appendix:

A. Revised project plans and elevations

FIRST
ADDENDUM TO FINAL EIR

on the

AQUATIC PARK CENTER PROJECT (DURKEE SITE)

SCH NO. 86071501

12/11/86

This document has been prepared by the City of Berkeley, Planning and Community Development Department. It sets forth certain revisions and additions to the Final EIR prepared by Mundie & Associates, published November, 1986. These revisions respond to public comments received on the November FEIR document, and have been incorporated as part of the Final EIR, prior to its certification on 12/11/86.

The additions and revisions to the FEIR contained herein concern the project description, clarification of the discussion on asbestos removal at the 810 Heinz/Experimental Kitchen buildings, and additions to the discussion on landmark status. These additions and revisions are correlated to specific page numbers and lines in the November final EIR text.

1. PROJECT DESCRIPTION (DESIGN RATIONALE)

Add the following text to the bottom of page 4 (following Figure 1) of the FEIR:

DESIGN RATIONALE

In arriving at a design and development concept for this site, the project sponsors' have stated that the project's purpose is to provide an "historical, multi-use project, including offices, light industrial live work and entertainment uses, while preserving the site's original industrial character". They have also stated that the design challenge is to meet this purpose while working with three sets of constraints: (1) zoning and other local development controls; (2) economic constraints; and (3) aesthetic considerations.

Local development constraints include: setbacks, parking requirements, retention of landmark structures and features, traffic flow, etc. Economic constraints include: market for industrial and mixed uses, individual and cumulative payback of buildings, cost of new construction and of adaptive reuse and renovation (including seismic bracing and facade restoration), costs of hazardous materials handling, non-construction costs such as off-site mitigation payments, tenant relocations, etc. Aesthetic constraints involve: building massing and adjacencies, building height, lengths and finishes relative to one another, retention of a site focal point, landscaping and views, and overall site and building character.

Based on the recognition of these constraints, a design approach was adopted, which incorporated the following fundamental elements:

1. The Durkee/Spice Buildings complex would set the character of the site. The cluster of buildings at the east end of the site are an attempt to recrate the industrial/manufacturing character and density that existed prior to the demolition of the Winterizing Building.

2. The Durkee/Spice Buildings courtyard form, in conjuction with the 810 Heinz location would be retained with a new, more efficient, and leaseable two-story building replacing the existing 810 Heinz building and Experimental Kitchen. The desire to remove the asbestos from this location (and the expense of doing so), when combined with the need for a more leaseable structure at this location, dictate the demolition of these structures.

3. The "Courtyard" that has historically existed at the east end of the site would be retained, but vehicle access would be restricted, making it more useable for pedestrians, and more useable as audience space for outdoor theatre productions. Preference for "hardscaping" would be given, to retain the industrial feel.

4. Anthony Street would provide additional vehicular traffic routed to and from the parking.

5. A parking garage would be used to minimize the surface parking on the site, providing more landscaping and non-parking seperations between buildings. The parking structure would be accessible via Anthony Street.

6. New commercial and light industrial space to the south of the Durkee Building with a westerly view of Aquatic Park (to maximize leaseability potential) would partially offset the cost of renovation and of low/subsidized live-work and theatre space.

7. The scale of the building south of the Durkee Building is decreased so as not to overpower the Durkee Building, the site's focal point.

8. The Smokestack could be retained as an architectural element of the new development, pending receipt of final cost/feasibility information.

2. PUBLIC HEALTH CONSIDERATIONS (ASBESTOS AT 810 HEINZ/EXP. KIT.)

Add the following section heading to the Table of Contents, under "II. Supplemental Analysis", and below "Archaeology":

Public Health Considerations

Add the following text, following page 30 of the final EIR:

PUBLIC HEALTH CONSIDERATIONS

As discussed on pages 118-119 of the draft EIR, asbestos material is present on the 810 Heinz/Experimental Kitchen complex, and its removal must be performed by quailified personnel, specially trained in asbestos removal, in order to prevent release and inhalation of asbestos fibres. Reviewers of the final EIR, notably the Landmarks Preservation Commission, requested that the final EIR include a clarification of whether the asbestos would have to be removed, in the case that these buildings were retained, or whether it could be retained and treated in place.

The City's Environmental Health Protection Officer has inspected the premises, and has determined that the asbestos could be left in place, provided that it is properly treated. Treatment would

need to be performed by qualified personnel using standards adopted by the Health Department and the Codes and Inspections Division of the City. The City's Chief Building Official has determined that retention of the asbestos does not violate the Uniform Building Code, provided that one of a number of acceptable treatment methods is employed, as part of the building renovation.

3. LANDMARK STATUS

On page 8, revise the first item on the list of expanded on-site mitigation measures to read:

- Building heights/footprints and their effect on the courtyard area, Winterizing Building, smokestack, and Copra Building.

On page 8, revise the twentieth item on the list of expanded on-site mitigation measures to read:

- Use of public art, or architectural and historic points of interest

On page 8, add a twenty-third item to the expanded list of on-site mitigation measures which reads:

- The name of the project or complex, which is to be displayed on project signage

On page 8, add the following sentence to the first paragraph under the heading "Expanded On-site Mitigation Measures":

As discussed on page 59 of the draft EIR, the LPC or City could also require a financial contribution by the applicant to a City fund for off-site historic preservation activities.

Add, as Appendix E, to the final EIR, the memorandum of the LPC to the Board of Adjustments, dated 12/5/86, which sets forth the LPC's comments on the final EIR.

City of Berkeley

LANDMARKS PRESERVATION COMMISSION
2180 MILVIA STREET
BERKELEY, CALIFORNIA 94704

(415) 644-6490

M E M O R A N D U M

December 5, 1986

TO: Members of the Board of Adjustments

FROM: Landmarks Preservation Commission

SUBJECT: FINAL EIR FOR DURKEE SITE

The Landmarks Preservation Commission held a special meeting on December 1, 1986 to discuss the final EIR for the proposed Durkee site development (Aquatic Park Center), and passed the following motion which sets forth the Commission's specific comments on the Final EIR.

It was MSC (Jones/Marsh) that the Board of Adjustments shall be requested to incorporate the following comments of the Landmarks Preservation Commission into the record of the public hearing of December 11, 1986 on the proposed Final EIR for the Durkee site development project (SCH.#86071501):

1. The supplemental landmarks analysis contained in Final EIR explains the role of the LPC and its decision-making framework very well. Also, it recognizes the site as a local landmark and has expanded the list of possible mitigation measures. These are positive changes from the Draft EIR;

2. Prior to certifying the Final EIR, the LPC requests the following corrections and additions to the text of the November 1986 supplement made as official changes to the Final EIR by the Board:

   a. That the project description be supplmented by a description of the project's design rationale, from information to be supplied by the project sponsors, including the rationale for building design, building placement and demolitions.

   b. That the final EIR contain a discussion of the environmental consequences of retaining the 810 Heinz/Experimental Kitchen buildings, specifically with respect to the health aspects of leaving the asbestos in place. This would augment discussion in the Draft EIR by indicating in the opinion of the City Environmental Health Officer or other qualified person, whether the asbestos must be removed if these buildings are kept, or whether it can be treated and retained in place.

c. That the "menu" of expanded on-site mitigation measures (Page 8) be revised as follows:

   i. The first item should read "building heights/footprints and their effect on the courtyard area winterizing building, smokestack, and Copra building."

   ii. The twentieth item should read: "use of public art or architectural and historic points of interest."

   iii. A twenty-third item should be added, as follows: "the name of the project or complex which is to be displayed on project signage."

d. That the previously recommended mitigation measure, in the Draft EIR, regarding the possibility of requiring a financial contribution by the project sponsor to a city for historic preservation off-site, be brought forward and incorporated in the text of the supplemental analysis (Page 8).

The Motion passed 6-0 (Ayes: Felson, Jones, Manning, Marsh, Scherer, Sparks; Noes: - ; Abstain: - ; Absent: Kasin, Youngmeister).

Joe Marsh, Chairperson

FINAL ENVIRONMENTAL IMPACT REPORT
(SUPPLEMENTAL ANALYSES AND RESPONSES TO COMMENTS)

on the

AQUATIC PARK CENTER PROJECT
(DURKEE SITE)

November 1986

Prepared by

MUNDIE & ASSOCIATES
Consultants in Land Use and Economics

for the

CITY OF BERKELEY
Planning and
Community Development Department

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Project Sponsor:

WAREHAM DEVELOPMENT

FINAL ENVIRONMENTAL IMPACT REPORT
(SUPPLEMENTAL ANALYSES AND RESPONSES TO COMMENTS)

AQUATIC PARK CENTER
(DURKEE SITE)
S.C.H. #86071501

Prepared by:

MUNDIE & ASSOCIATES
Consultants in Land Use and Economics

for the

CITY OF BERKELEY
Planning and Community Development Department

Sponsor:
Wareham Development

November 1986

This document includes three elements: 1) a description of project revisions proposed by the applicant subsequent to the circulation of the Draft Environmental Impact Report (DEIR); 2) a description and the results of supplemental analysis undertaken by the EIR consultants; and 3) responses to comments on the DEIR.

This document combined with the previously published Draft EIR represents the Final EIR on the proposed project (June 1986).

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CHAPTER I

INTRODUCTION

BACKGROUND

A Draft Environmental Impact Report (DEIR) was published on June 25, 1986 on the proposed Aquatic Park Center (Durkee Site) project. The DEIR addressed two development scenarios, one of which ("Scenario Two") is now the proposed project, with some revisions, as described in the next section.

A public hearing before the Board of Adjustments was held on August 13, 1986 to receive testimony on the adequacy of the DEIR. At the public hearing, the public review period was extended beyond the conventional 45 days to allow the Landmarks Preservation Commission (LPC) to discuss the DEIR and forward comments to the Board of Adjustments. A second public hearing was held on August 25, 1986 at which time several other public speakers addressed the Board prior to Board members making comments and asking questions. The review period was declared closed at the end of that meeting and the EIR consultants were instructed to begin preparation of the Final EIR.

During the review period, letters of comment were received from seventeen state agencies, special districts, city staff members and other organizations and interested individuals. These are responded to on a comment by comment basis below.

In addition, the project sponsor and project architects, reacting to both the mitigations recommended in the DEIR and formal and informal comments of which they were aware, set forth several modifications to the project.[1] These are essentially refinements to Scenario Two and are described in the next section of this chapter. A revised site plan is shown as Figure 1. These project revisions generally would result in reduced impacts when compared to the DEIR evaluation of Scenario Two and therefore are not considered to be major changes in the project, subject to new evaluation.

However, comments received on the DEIR suggested four areas in which supplemental analysis was needed: landmark and design issues, traffic, cumulative development and additional evaluation of potential archeological resources. These supplemental sections are presented in Chapter III.

Questions regarding the myriad issues underlying the site's landmark designation were raised by both organized groups and individuals and this supplemental discussion appears first.

---

[1] It is important to note that specification and refinement of the project has occurred subject to inputs from four separate sources: 1) the CEQA environmental review process; 2) the city-initiated Durkee Site Task Force; 3) negotiations between the project sponsor and tenants of the Durkee Building regarding renewal of leases and rent levels; and 4) city staff office in regard to the applicability of local rent control and residential unit preservation ordinances.

Second in order is a section which takes another look at transportation impacts after two significant changes in the analysis: 1) new, up-to-date, traffic volume counts were taken at intersections for which previous city-collected data were thought to be outdated; and 2) the list of cumulative development projects was expanded to account for additional potential projects in the vicinity (city staff and the EIR consultants have become aware of these projects during the interim between the time the DEIR was prepared and the preparation of this supplemental analysis).

Third, the expanded cumulative development list has been used to consider other environmental subject areas covered in a chapter on cumulative impacts.

Fourth, in response to public hearing and written comments, as well as advice from the California Archeological Inventory, Sonoma State University, additional soils borings and analysis by a state-registered archeologist are presented.

Following the four supplemental sections comprising Chapter II are the comments and responses. Written comment letters followed by responses are presented first, followed by paraphrased comments made at public hearings and the responses thereto.

Several appendices, concerning the site's landmark status, archeological resources, traffic definitions and onsite employment form Chapter IV.

The following section describes the modifications to the project which have been proposed by the applicant. Figure 1 (p. 4) shows the revised site plan.

PROJECT REVISIONS

The specific revisions to the proposed project include:

- The new west office building (letter F on the revised site plan) would be moved east so that its eastern side would be approximately 60 feet from the western side of both the Garr Building and the parking garage (proposed for enlargement; see below). The square footage and footprint would remain unchanged.

- The parking lot previously located east of the new west office building would be switched to the west side of the building (i.e. between this building and the railroad right-of-way). Three driveways would access Heinz Avenue.

- The parking garage (letter D on the revised site plan) would be moved north by approximately 25 feet to allow for a driveway which would link the above-mentioned western parking lots directly to Fifth Street and ultimately to Anthony Street for improved circulation, (see Mitigation Measure #9, p. 100, DEIR). This relocation would consequently narrow the linear open space which traverses the middle of the site in an east/west direction.

- The parking garage would be expanded to include a total of 127 spaces on two enclosed levels and the roof (see Mitigation Measure #12, p. 100, DEIR). The garage would be a sloping floor, one-way circulation design in which the levels advance in half steps. Access to the garage would stem from the new driveway on the southern edge of the site.

- Other minor changes throughout the site would also result in rearrangement of parking space locations including spaces on Heinz Avenue and at a small lot in the southeast corner of the site.

- The pedestrian bridge over the railroad right-of-way would no longer be proposed for the project.

- The smokestack would be retained and surrounded by a glass atrium in the new one-story mixed-use building which extends west from the Spice Building. This building would be a tall one-story building to match the height of the Spice Building.

- A paved courtyard would be recreated at the east end of the site between the Durkee and Spice Buildings, and the new east office building (letters A, B, C and E on the revised site plan). The courtyard area would be intended as a flexible use space for pedestrians, occasional use as seating by the theatre group(s) in the Spice Building, who could use the existing Spice Building loading dock as an outdoor stage, and at other times for restricted parking and loading.

- At least four live/work spaces would be maintained in the Durkee Building. The remainder of the renovated Durkee Building space would be used for either live/work spaces or small scale offices, or some combination thereof. The project sponsor has stated an intention to arrange the space within the building as modules could be converted to small-scale commercial office uses should insufficient demand for live/work space exist. The time period over which the owner would commit to conscientiously seek live/work tenants prior to seeking commercial office tenants has not yet been specified. The Durkee Building would also include a cafe/caberet on the southeast corner of teh ground floor.

- The proposed new mixed use building (letter C on the revised site plan) on the east end of the site would remain at 18,624 square feet but it would be relocated to the northeast corner of the site and built as a two-story structure. It is intended to provide some retail space facing Heinz Street with the majority of space in light manufacturing and research & development uses.

Environmental impacts resulting from the project after implementation of these modifications would in all cases be of lesser total magnitude than before, though they may be experienced at different locations onsite or on the surrounding street network.

Wareham Development also submitted information regarding their estimates of new employment on the site (see Appendix D). Because tenant selection is still uncertain, the EIR consultants believe a more cautious approach to employment impact forecasting is appropriate and, therefore, the project sponsor's suggested revisions to the employment and housing forecast have not been used to revise the forecast contained in the DEIR. (See Response to Comment #164 also.)

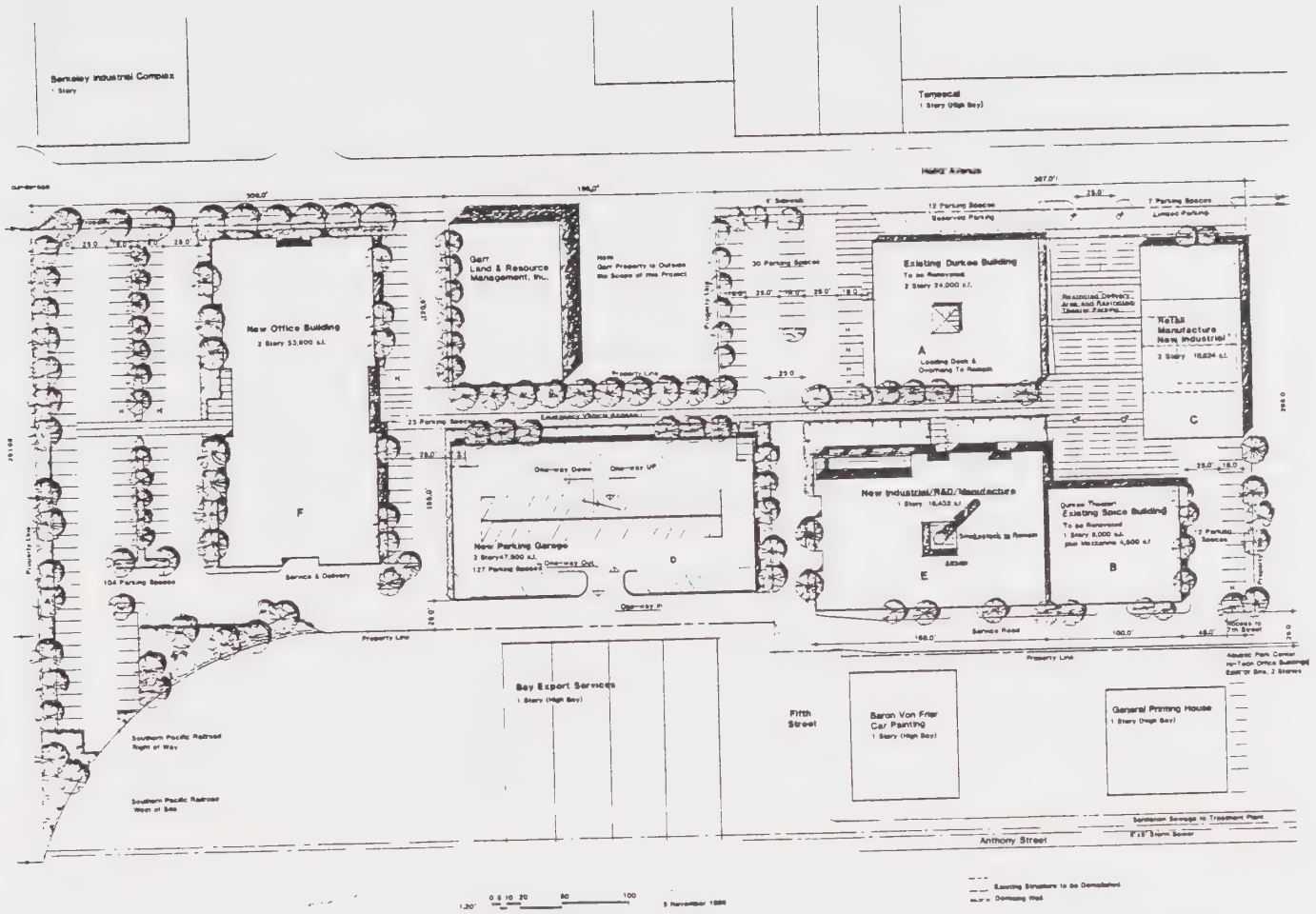


Figure 1: Revised Site Plan
Source: DeTienne Associates

CHAPTER II

SUPPLEMENTAL ANALYSIS

THE DURKEE SITE'S LANDMARK STATUS

Comments on the Draft Environmental Impact Report

Comments submitted by the Berkeley Architectural Heritage Association (BAHA) and the Landmarks Preservation Commission (LPC) raise several fundamental questions about the application of environmental analysis to issues of historic preservation and urban design, and about the role of a CEQA document in assisting appointed decisionmakers as they review a project.

This supplemental section is included to address several common questions and comments which were raised with regard to the Draft EIR (DEIR) analysis. The following analysis provides a more focused look at Berkeley's preservation ordinance and emphasizes its role; it lays out a series of urban design elements which could be considered by the LPC as they deliberate over the requested demolition permits; and it clarifies the difference between the role of the EIR and the role of deliberations of the Landmarks Preservation Commission and the Board of Adjustments over permit requests.

Readers of this document will notice that each of the comment letters, as well as the comments of other individuals raising questions relating to the site's landmark status, are included in Chapter III, Comments and Responses. In some cases, the responses which appear in Chapter III refer to this supplemental discussion of the site's landmark status.

Background of the Consultants' DEIR Analysis

The charge given to the consultants at the DEIR stage by the City was multi-faceted with regard to issues of historic resources, urban design and the landmark status of the Durkee site. First, the site, its buildings and their interrelationships, and the proposed project were to be considered using the objective standards of professionals in these disciplines. Second, the findings of the LPC and their rationale for designating the site a landmark under the local ordinance were to be presented and discussed. Third, mitigation measures were to be suggested which could lessen any impacts forecast to result from the project.

In light of comments on the DEIR, this supplemental analysis looks again at these three elements in terms which are appropriate to a Final EIR (FEIR), and at the role which revisions to the project have played in this regard. It is important to begin this discussion by defining the role of an EIR in this context, and by clarifying the level of detail which is appropriate to it in areas as subjective as design and landmark considerations.

The Role of an EIR

An EIR must consider a broad range of environmental issues, and provide an information base for local decision-makers, which adequately exposes the potentially significant environmental impacts of a proposal and suggests possible ways in which to mitigate them. An EIR need not provide all of the detail, particularly in the subjective areas, needed by decision-makers to discharge their duties under local ordinances. What this means in the case of analyzing this project's relation to the site's designation as a local landmark is that an EIR can do the following:

- communicate the significance of the impact of a proposed project in a general way, using the professional judgment of the EIR consultants;
- set forth the considerations of prime importance to the LPC in preserving the site's historic, cultural and aesthetic character; and
- suggest possible measures to lessen the adverse effects which the project might have by presenting a clear framework for the LPC to consider demolitions and new structures on the site in the subsequent and more detailed permit consideration process.

What an EIR cannot be is a detailed design analysis (i.e., an exhaustive study of all the possible design and use permutations of a project like the one proposed). Nor can it state with any certainty what particular configuration of buildings on the site would constitute an adverse effect under the terms of the local ordinance.

Impact analyses in which discrete, measurable impacts are followed by mitigation measures on a point-by-point basis are most appropriate in topical areas like air quality or noise analysis and least useful on subjects in which personal perceptions and subjective preferences play a large part. Consider this contrast: construction dust (an adverse impact) can be controlled via a twice-daily watering program (a mitigation measure); but does the application of historic building ornamentation compensate for a change in land use within a particular building?

Summary of Conclusions From Draft EIR

The results of the examination of the historic and cultural merit of onsite structures, and of the site as a whole, are presented in the DEIR (pp. 55-57). The concerns of the LPC in designating the site are noted there (and subsequently stated concerns appear in their DEIR comment letter). It is also concluded that, while the site would be noticeably altered, from the standpoint of impacts on recognized historic resources or the urban fabric of the Durkee site and its context, the revised project presents no significant adverse impacts which cannot be addressed through continuing refinements to the project. This conclusion of the EIR consultant remains unchanged.

However, the fact that the site as a whole has been designated a landmark by the LPC inserts another type of potential impact into the process, one which concerns the consistency of the revised project with local plans and policies. The DEIR mentions this situation (see pp. 34-35 and p. 56, DEIR), but in hindsight does not clearly summarize its implication.

Because a series of criteria must be applied to deliberations over whether to grant requested demolition permits (one of which shifts the burden of proving the need for demolition to the applicant), the LPC may find that any demolition (of a structure on a landmarked site) would represent an impact for which a mitigation or other trade-off would be required. Therefore any project involving any alteration of a designated site would be unequivocably inconsistent with local plans and policies (and therefore a significant adverse impact) unless the LPC were to make findings that the negative effects of the alteration would be somehow offset.[2]

Project Revisions Leave Two Major Concerns

It is important to note that revisions to Scenario Two as shown in the DEIR have addressed many of the specific concerns of persons in attendance at the EIR scoping session and at various meetings and hearings (see Project Revisions Leave Two Major Concerns, below).

In the case of the proposed project, the revisions described above (pp. 2-3), addressing both design and cultural/lifestyle issues, attempt to mitigate the concerns revolving around the smokestack, the use and design features of the courtyard, parking spaces along Heinz Avenue, retention of the Spice Building and loading dock and retention of live/work spaces in the Durkee Building. The details are not yet as refined as they would need to be at the Use Permit stage, but the elements of a context-sensitive site plan are in place.

What remains are the major concern over removal of 810 Heinz and the Experimental Kitchen (or construction within the footprint of these buildings) and a variety of design details.

The question of 810 Heinz and the Experimental Kitchen is of a different level than the issues which are design details of the project, and should be decided first. Though the new east building (letter C on the revised site plan) attempts to relate to the Durkee and Spice Buildings, would not block significant views, and would help recreate the courtyard, the LPC still must decide based on the city landmarks ordinance whether the other amenities produced by the project as a whole represent appropriate mitigations for the loss of 810 Heinz and the Experimental Kitchen.

The existence of these structures is an historical fact, and therefore they represent a component of the site's historical character. (The historic use of these buildings is described on p. 33 of the DEIR and in Appendix E thereto.) However, whether keeping these structures is critical to maintaining the overall historic, cultural and architectural value of the site in its new and future use, can be judged only by local decisionmakers in their deliberations over the permit requests. The terms of the local ordinance, and the procedings of the LPC to date, do not permit the EIR to say with any certainty whether these structures should or should not be maintained, in light of the specific proposed project.

[2] Another course of events would be for the applicant to plead infeasibility on all designs except the proposed project and seek approval without mitigating the demolition.

This said, it does seem clear that the LPC deliberations on these demolitions could focus on three elements: the historic use of this portion of the site (light industrial), the physical contribution which the existing structures make to the sense of a courtyard at the east end of the site, and the contribution these structures make to the industrial feel of the site. The point of focusing on these three elements is that they may be of help in examining both the existing and the proposed new structures in this location, and thereby assist the LPC in weighing the relative benefits of new development and historic preservation in a specific way. This framework for analysis may help the LPC in defining the specific importance of the existing structures, and also in considering design revisions and refinements to the proposed new structure. Site visits, perspective drawings, and models may be of help to the LPC in this process.

Additionally, the LPC will want to consider these demolition requests in the overall context of the proposed project. For example, does the proposed design and use of the new structure here (letter C), when taken together with the proposed design and use of the site as a whole as well as the project's relation to other city goals and policies, warrant the demolition of these structures? The LPC may also need to consider information from the project sponsor on the financial feasibility of various alternatives.

Expanded Onsite Mitigation Measures

The broad areas in which the LPC might wish to require mitigation measures of the proposed project include structural preservation, building location, treatment of open space, landscaping and elements of facade treatment.

Presented below is a "menu" of potential mitigations, very specific items which should help the LPC focus its deliberations on the landscaping and design details which remain of concern. It is an attempt to disaggregate the site elements which can be manipulated by the LPC into their component parts.

- building heights/footprints and their effect on the courtyard area
- siting and design of at-grade parking areas
- size and design of parking garage
- width of onsite roadways and character of paving materials
- emphasis on structural bay aspect of buildings
- retention of existing loading docks
- scale of windows, use of mullions
- cornice treatment, height of nearby structures
- height of lighting fixtures: buildings and streets/walkways
- level of light (brightness)
- use of roll-up doors for mixed-use buildings
- parapets on all buildings to screen equipment
- building surface treatments and color of finishes
- use of metal tube railings
- courtyard elements/furniture: seating, tables, planters
- use of hardscaping and type, bollards, metal grates around trees
- style and location of signs
- use and location of trees, shrubs and groundcover
- topographical changes onsite, berms, steps
- use of public art or architectural points of reference
- use of fencing or other elements obscuring or framing views
- effect on character of site due to land use type/tenant selection

TRAFFIC ANALYSIS

The supplemental analysis which follows includes revisions to the description of the existing setting of two types: 1) new traffic counts were made at two intersections resulting in different existing traffic volumes to which the project and cumulative traffic is added and compared; and 2) new level of service (LOS) calculations including these existing conditions. The substantive information presented supercedes that which was presented in the DEIR.

The supplemental analysis below then procedes to calculate revised levels of service for critical intersections, using the traffic volumes resulting from the new counts as a base and using a revised cumulative project list to forecast the near-term impacts of development which is planned or approved in southwest Berkeley.

The supplemental Cumulative analysis which follows (p. 22), includes traffic analysis of the long-term potential development in southwest Berkeley, on the Berkeley Waterfront, and in nearby Emeryville.

Because this supplemental traffic analysis involves the revision of tables and figures first appearing in the DEIR, the numbers used here follow that system.

Existing Setting

Street System.

Local Intersections. A revised Level of Service (LOS) analysis was performed in the PM peak hour at each of the critical intersections. In this supplemental analysis, the LOS is based upon a method referred to as the "stopped delay" method and is determined by the average time (seconds per vehicle) that it takes for a vehicle to move through an intersection. The resultant LOS level is still measured on a scale of A to F but is not based on the traffic volume to intersection capacity (v/c) ratio used in the DEIR. It should also be noted that the stopped delay LOS method is used for analysis of signalized intersections only.

These revised local intersection and I-80 LOS analyses were performed for the following conditions: Condition I - existing conditions; Condition II - existing conditions plus project; Condition III - existing conditions plus project plus near-term cumulative projects, C-1 through C-11 (for critical intersection analysis); Condition IV - existing conditions plus project plus near- and long-term cumulative projects, C-1 through C-18 (for I-80 freeway analysis in response to Caltrans' comments on the DEIR).

Because all of the critical intersections will need signalization under Condition III or before, they were all analyzed with the stopped delay method, i.e., as if already signalized. Though not presently signalized, the intersection of Seventh/Dwight soon will be, and a signal is recommended for the intersection of Seventh/Anthony as part of the mitigation measures recommended in this report. Thus, the intersection of Seventh/Dwight is the only one of three which is not yet specifically planned.

The stopped delay method incorporates significantly more variables than the method initially used for this analysis including pedestrian levels, signal timing, and more elaborate lane geometry characteristics. Refer to Appendix B for LOS definitions based upon stopped delay methods. (Computer worksheets presenting the underlying calculations of this analysis are available for review at the City of Planning and Community Development Department.

In the analysis of the unsignalized intersections, as if they were already signalized, some optimal assumptions for such characteristics as signal phasing and timing were assumed in the supplemental analysis but no more complex lane geometry was assumed than striping.

The revised LOS analysis is based upon the method recommended for analysis of signalized intersections in the recently published 1985 Highway Capacity Manual.

In addition to the revised LOS analysis performed at the critical intersections cited above, a LOS analysis was performed of the I-80/University and I-80/Ashby freeway ramps as well as of I-80 freeway segments in Berkeley and Emeryville. These analyses are also based upon the 1985 Highway Capacity Manual; the resulting LOS levels are based upon volume/capacity ratios.

The traffic counts used in the original analysis of critical intersections 3, 4, and 5 were also used for the revised LOS analysis. These counts were made at the time of the DEIR analysis. The earlier analysis of intersections 1 and 2 was based upon 1983 counts. For the revised LOS analysis of these intersections, new counts were made on October 22, 1986.

Revised Figure 22 shows existing traffic: ADT and PM peak hour on the existing roadway network based upon the new traffic counts.

Results from the revised LOS analysis show that all five intersections currently operate during the PM peak hour at optimal LOS Levels of A or B (assuming they were all presently signalized and had optimal signal phasing) except intersection 2, the Ashby/Seventh intersection, which operates at an oversaturated F LOS (Table 10a).

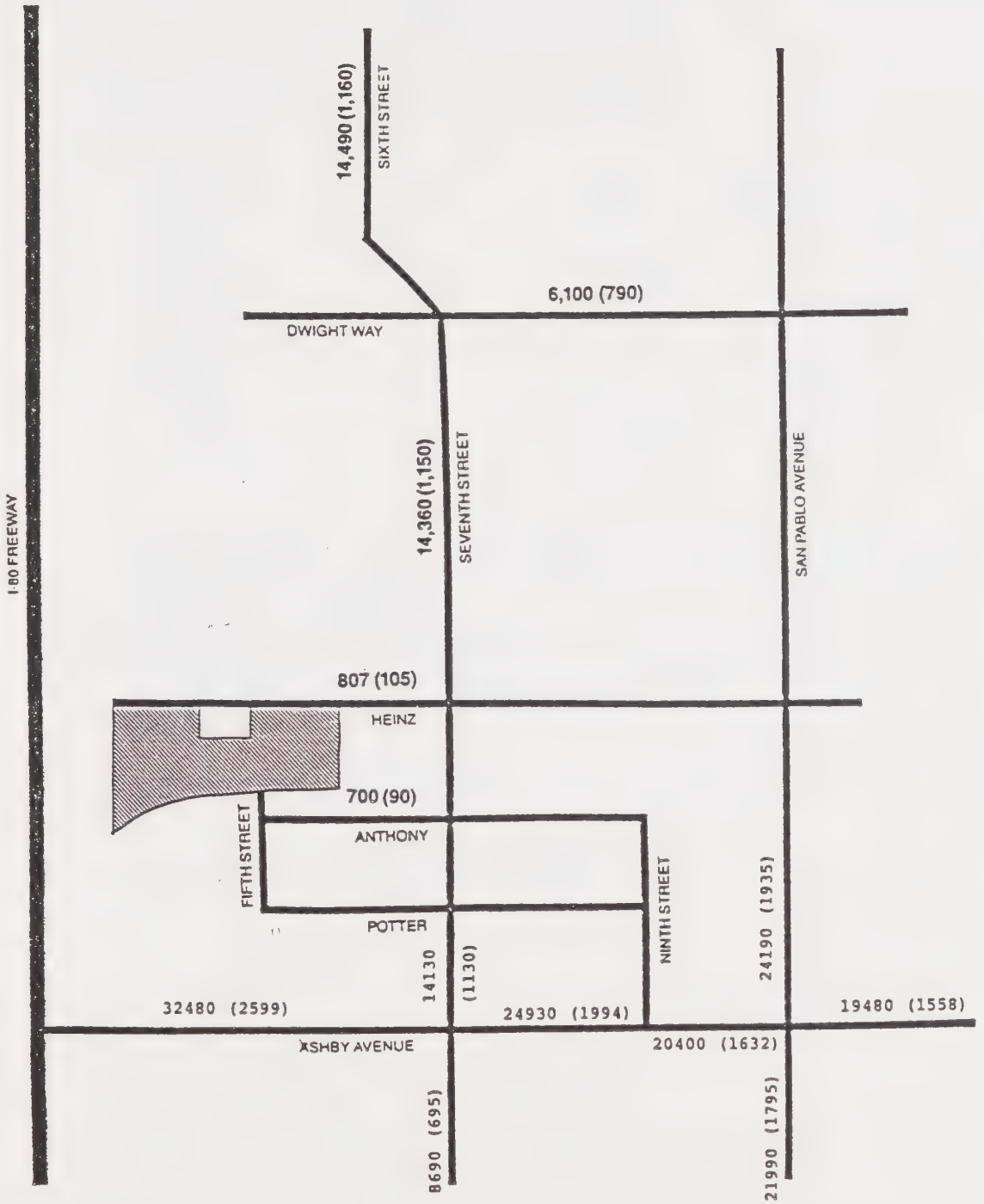
The revised intersection 2 (Ashby/Seventh) finding for existing conditions (estimated LOS of F) is significantly different from the previously estimated LOS B. This changed finding is partially due to the increased southbound traffic volumes on Seventh Street as shown in the new 1986 traffic counts (the original analysis used 1983 counts). The new increases on Seventh Street are reflected in both through and turning movements.

Another reason for the different LOS levels is that the newly developed operational type stopped-delay methodology more closely simulates the existing conditions than the earlier planning type method used for the LOS analysis. The planning method used earlier works best for the planning of new intersections where optimal conditions can be planned for, whereas the new operational method used here provides a better simulation of the operation of intersections in which there are already built-in constraints, because it is capable of incorporating more of these variables into the analysis.

As shown in Table 10b, the I-80/University and I-80/Ashby on- and off-ramps are currently operating at high (uncongested) LOS levels in both the AM and PM peak hours. The ramps probably operate well because of congesting at their entry/exit points due to congestion on I-80. Once traffic exiting the congested freeway reachs an off-ramp, the way is relatively clear for exit. Due to diversion of traffic to non-freeway routes, the on-ramps have less traffic than if I-80 had more capacity. However, only the northbound Powell/ Ashby freeway segment operates at an acceptable PM peak hour LOS now. All other freeway segments operate at an unacceptable E or F LOS levels in the PM peak hour under current conditions. Conditions are only slightly better in the AM peak hour on these freeway segments (see Table 10b).

FIGURE 22

EXISTING TRAFFIC: ADT AND PM PEAK HOUR



TWO-WAY TRAFFIC

00 ADT

(00) PM PEAK HOUR

AQUATIC PARK CENTER (DURKEE SITE)

Table 10a
Revision of Table 10

Level of Service at Critical Intersections, P.M. Peak Hour
Aquatic Park Center[a]

Intersection[b]	I	II	III
1. San Pablo/ Ashby	B[c] (11.4)	B (11.5)	F (Oversaturated)
2. Ashby/ Seventh	F (Oversaturated)	F (Oversaturated)	F (Oversaturated)
3. Seventh/ Anthony	B (6.8)	B (9.5)	F (Oversaturated)
4. Seventh/ Heinz	B (6.5)	B (9.1)	F (Oversaturated)
5. Seventh/ Dwight Way	A (4.1)	A (4.4)	B (5.1)

[a] See Attachment A for Level of Service definitions. The average stopped delay times (sec/veh) are in parentheses immediately below the LOS levels. All intersections are analyzed as if signalized.

[b] Conditions for which traffic impacts are analyzed are:
I - Existing 1986
II - Existing 1986 with Proposed Project
III - Existing 1986 with Proposed Project and Cumulative Projects C1 - C11.

c Methods of analysis are based on those recommended in the 1985 Highway Capacity Manual.

Source: Kenneth M. Bankston Associates, Inc.

Table 10b
Revision of Table 10

Level of Service at Freeway Interchange Ramps and Segments[a]

Intersection[b]	I		II		IV	
	AM	PM	AM	PM	AM	PM
I-80/University						
NB On-ramp	A (.25)	A (.42)	A (.25)	A (.44)	A (.29)	B (.66)
NB Off-ramp	B (.63)	A (.38)	B (.63)	A (.38)	B (.63)	A (.38)
SB On-ramp	A (.27)	B (.63)	A (.27)	B (.63)	A (.27)	B (.63)
SB Off-ramp	A (.52)	A (.38)	A (.54)	A (.39)	B (.65)	A (.53)
I-80/Ashby						
NB On-ramp	A (.26)	A (.37)	A (.26)	A (.37)	A (.27)	A (.46)
NB Off-ramp	A (.56)	A (.53)	B (.61)	B (.54)	C (.77)	C (.75)
SB On-ramp	B (.68)	B (.66)	B (.68)	C (.71)	C (.72)	F (1.04)
SB Off-ramp	A (.23)	A (.29)	A (.23)	A (.29)	A (.33)	A (.33)
I-80 Segments						
NB University-Gilman	C (.78)	E (.98)	C (.78)	E (.99)	C (.79)	F (1.06)
NB Ashby - University	D (.86)	E (.97)	D (.86)	E (.97)	D (.86)	F (1.01)
NB Powell - Ashby	C (.73)	D (.81)	C (.74)	D (.81)	C (.77)	D (.85)
SB University - Gilman	E (.93)	E (.95)	E (.93)	E (.95)	E (.97)	E (1.00)
SB Ashby - University	D (.88)	F (1.00)	D (.88)	F (1.00)	D (.90)	F (1.02)
SB Powell - Ashby	E (.96)	F (1.01)	E (.96)	F (1.02)	E (.98)	F (1.04)

[a] See Attachment B for Level of Service definitions. The volume/capacity ratios are in parentheses below the LOS levels. Analysis is based on 1985 Highway Capacity Manual.

[b] Conditions for which traffic impacts are analyzed are:
I - Existing 1986
II - Existing 1986 with Proposed Project
IV - Existing 1986 w/Proposed Project and Cumulative Projects C-1 through C-18.

Source: Kenneth M. Bankston Associates, Inc.

Impacts

Trip Generation. Trip generation rates by land use for each of the land use types are shown in Revised Table 7. (Note: it was necessary to revise this table to incorporate rates for the additional land uses in the expanded list of projects analyzed under Conditions III and IV.)

Project Related Impacts. As in the earlier analysis, the Aquatic Park Center project alone does not change any of the LOS findings (Table 10a). Since Intersection 2 currently operates at an unsatisfactory LOS, it was not analyzed under Condition II or III.

Expanded Cumulative Development Projections. In the original analysis, five projects in the general vicinity of the site (designated here as C-1 through C-5B in revised Table 9-A) were identified and incorporated into the cumulative analysis. In this subsequent evaluation, the cumulative analysis was broadened to include additional near-term (C-6 through C-11) and long-term (C-12 through C-18) projects. As defined here, 'near-term' refers to development within 5 years and 'long-term' refers to development built after 5 years.

The near-term projects (C-1 through C-11) were incorporated into the supplemental cumulative LOS analysis of the five critical intersections, whereas both near- and long-term projects C-1 through C-18 were used for the freeway interchange and link analyses. Revised Figures 27a and 27b show the location of the cumulative projects.

Tables 9a, 9b, and 9c, revisions of Table 9, show the gross square footage (in thousands) or number of dwelling units, estimates of AM and PM peak hour trips, and ADT that will be generated for each project.

Tables 9a and 9b combined show that the near-term cumulative projects can be expected to add 30,609 ADT to the surrounding roadway system. Approximately 12 percent of these trips would be in the PM peak hour. As would be expected, substantially more trips are generated when the long-term projects are added (see Table 9c).

Traffic Impacts from Near-Term Cumulative Development. This analysis presents impacts of the expanded near-term cumulative development projects described above.

Street System. Revised Figures 27a and 27b show the PM peak hour traffic and ADT resulting from the revised list of near- and long-term cumulative projects, C-1 through C-18. Existing traffic volumes plus that generated by the project and the near-term cumulative projects, C-1 through C-11, are shown in Revised Figure 28. These traffic volumes formed the basis for the cumulative analysis (Condition III) of the five critical intersections.

Critical Intersections. Table 10a, a revision of Table 10, shows that all intersections with the exception of Seventh/Dwight Way would operate at an oversaturated F LOS. This leads to the general conclusion that the overall roadway network and particularly the Seventh Street corridor as currently in place, even assuming all of the intersections analyzed are signalized, does not have the capacity to handle the development expected in the next five years.

Yet aside from the proposed project, the majority of the near-term projects have been approved and therefore the increasing traffic volumes will likely occur with or without the proposed project

Revised Table 7

Trip Generation Rates by Land Use
For Proposed and Cumulative Projects
(per 1,000 GSF)

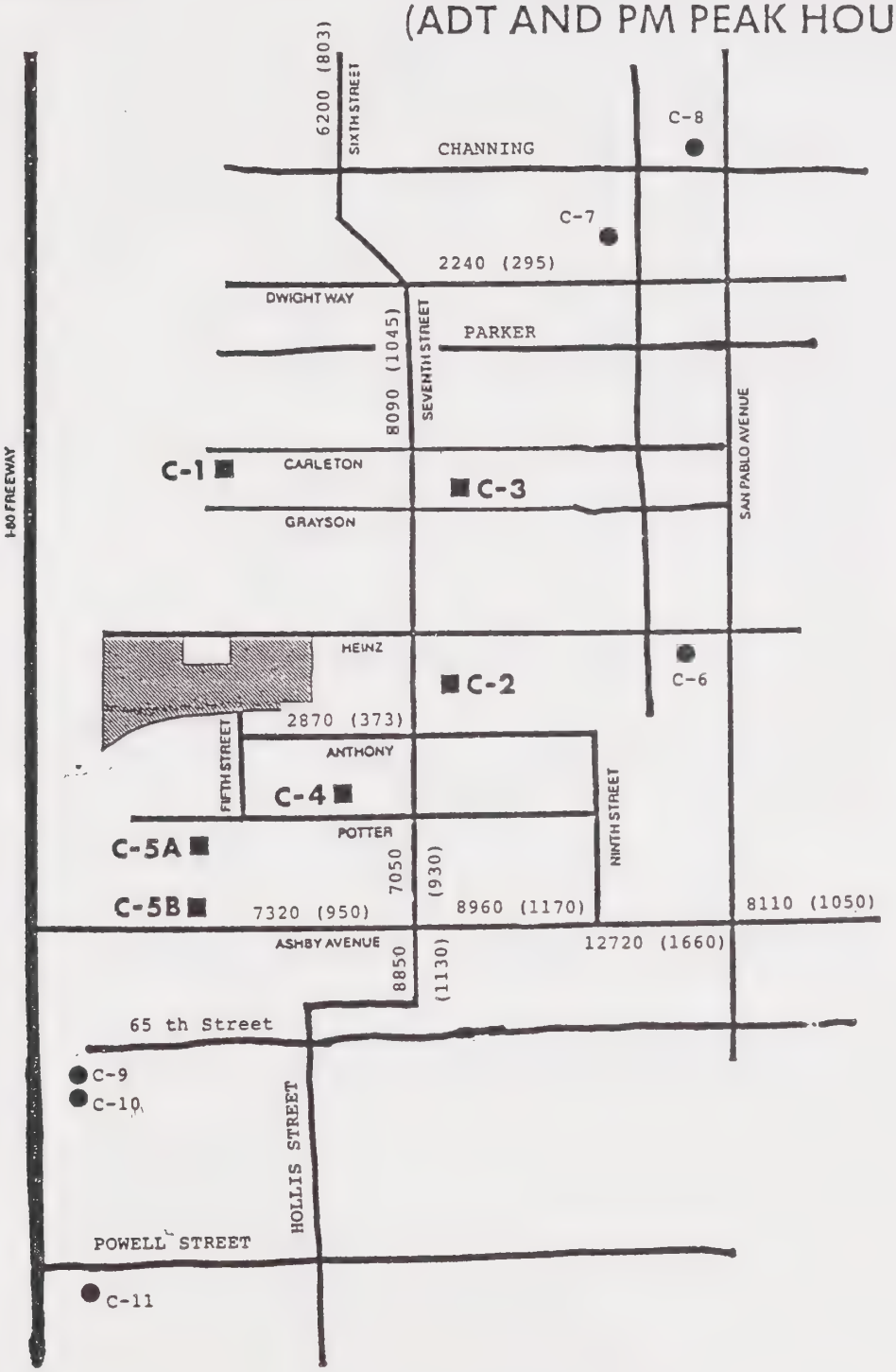
Land Use Type	Peak Hour AM In	Peak Hour AM Out	Peak Hour PM In	Peak Hour PM Out	Average Daily Traffic
General Office Type A (more than 100 KGSF)	1.93	0.20	0.26	1.70	10.90
(0.55 x Type A Rate)	1.06	0.11	0.14	0.94	6.00
General Office Type B (less than 100 KGSF)	2.12	0.38	0.40	2.42	17.70
(0.72 x Type B Rate)	1.53	0.27	0.29	1.74	12.75
Discount/Retail Type A	--	--	1.61	2.19	50.00
Retail Type B (less than 50 KGSF)	1.59	1.36	7.16	7.26	117.90
(0.80 x Retail Type B)	1.27	1.09	5.73	5.81	94.00
Retail Type C (100 - 200 KGSF)	0.90	0.80	2.80	3.10	66.70
New Car Sales and Service	1.27	1.76	2.62	3.46	47.50
Warehouse	0.53	0.13	0.33	1.30	4.88
Apartments	0.10	0.40	0.40	0.20	6.10

Source: Kenneth M. Bankston Associates, Inc.

FIGURE 27a

5 YEAR PROJECTS

CUMULATIVE PROJECT LOCATIONS AND TRAFFIC GENERATED (ADT AND PM PEAK HOUR)



TWO-WAY TRAFFIC

00 ADT

(00) PM PEAK HOUR

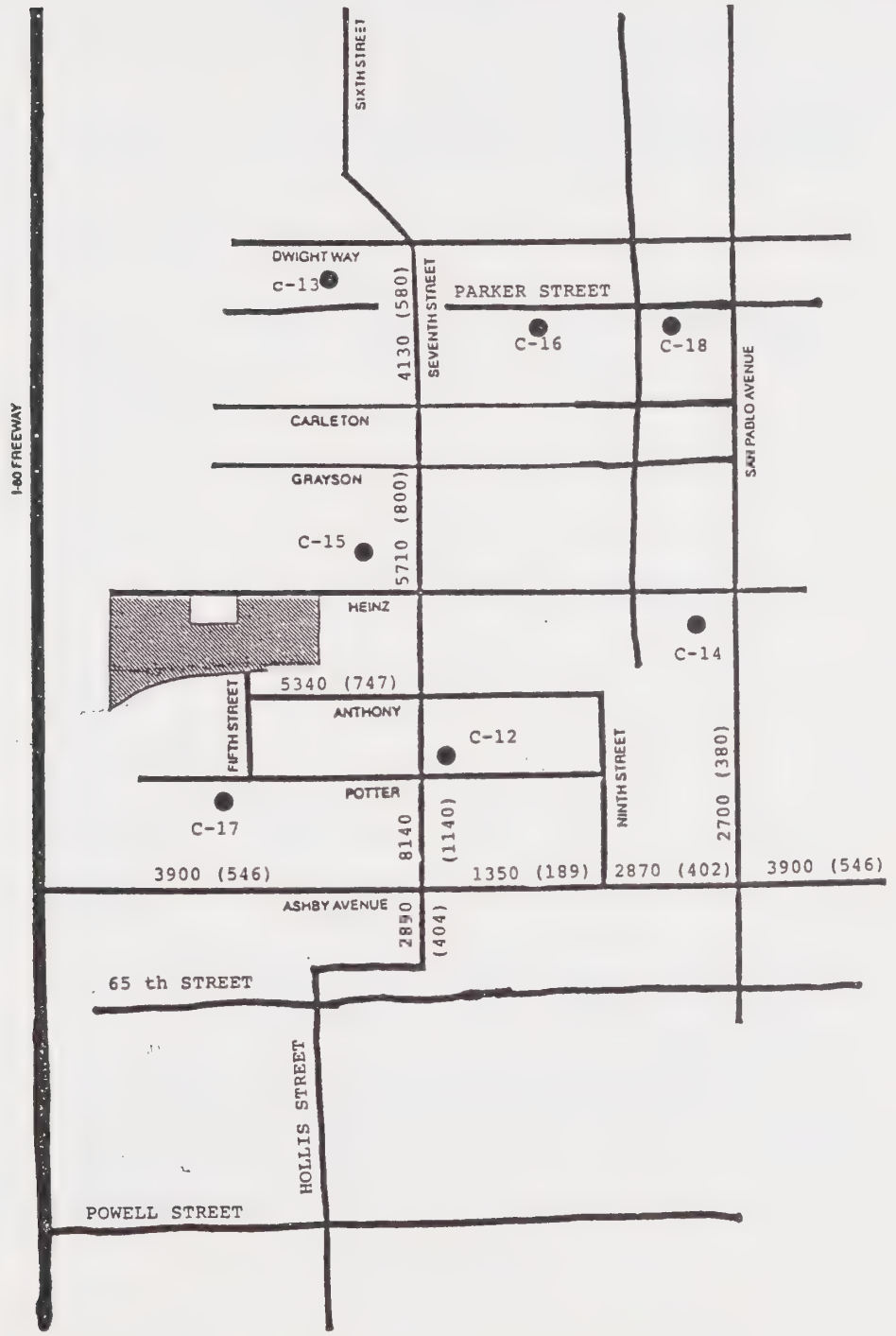
■ CUMULATIVE PROJECT

●

AQUATIC PARK CENTER
(DURKEE SITE)

FIGURE 27b

CUMULATIVE PROJECT LOCATIONS AND TRAFFIC GENERATED (ADT AND PM PEAK HOUR)



TWO-WAY TRAFFIC

00 ADT

(00) PM PEAK HOUR

● CUMULATIVE PROJECT

AQUATIC PARK CENTER
(DURKEE SITE)

Table 9a
Revision of Table 9

Trip Generation for Near Term Cumulative Projects[a]

Project and Use	KGSF	Peak Hour Trips AM In	AM Out	PM In	PM Out	Average Daily Traffic
Section A:						
C-1 Carlton Street Business Center						
Office	226[b]	436	45	59	384	2,463
Warehouse	68	36	9	22	88	330
C-2 Wareham Office Building						
Office[c]	10	22	4	4	24	177
C-3 Mighetto & Youngmeister						
Office[c]	10	22	4	4	24	177
C-4 Whole Earth Access						
Discount Store Retail	12	--[d]	--	19	26	600
C-5A Berkeley Auto Mall North						
New Car Sales and Service	80	101	141	210	277	3,800
C-5B Berkeley Auto Mall South						
New Car Sales and Service	80	101	141	210	277	3,800
Section A Subtotals	486	718	344	528	1,100	11,347

[a] This data was derived by multiplying the rates referred to in Table 7 by the project use.
[b] KGSF - Thousand Gross Square Feet. Square footage is rounded to the nearest thousands.
[c] Under 100,000 GSF.
[d] Not open in AM.

Table 9b
Revision of Table 9

Trip Generation for Near Term Cumulative Projects[a]

Project and Use	KGSF	Peak Hour Trips AM In	AM Out	PM In	PM Out	Average Daily Traffic
Section B:						
C-6 Berkeley Business Center						
Office Conversion[b]	54	83	15	16	94	689
C-7 Parker Plaza						
Office	22	47	8	9	53	389
C-8 Kershaw						
Office	8	17	3	3	19	142
Retail	4	6	5	29	29	472
C-9 Bay Center Development						
Office	325	627	65	85	553	3,543
C-10 Bay Center						
Apartments 550 Dwelling Units		55	220	220	110	3,355
C-11 Emeryville Shopping Center						
Commercial	160	144	128	448	496	10,672
Section B Subtotals	573 plus 550 dwelling units	979	444	810	1,354	19,262
Section A and B Subtotals	1,059	1,697	788	1,338	2,454	30,609

[a] This data was derived by multiplying the rates referred to in Table 7 by the project use.
[b] KGSF - Thousand Gross Square Feet. Square footage is rounded to the nearest thousands.
[c] Used 55 percent of General Office Type A rates. (See Table 7.)
[d] Used 72 percent of General Office Type B rates. (See Table 7.)

Table 9c
Revision of Table 9

Trip Generation for Long Term Cumulative Projects[a]

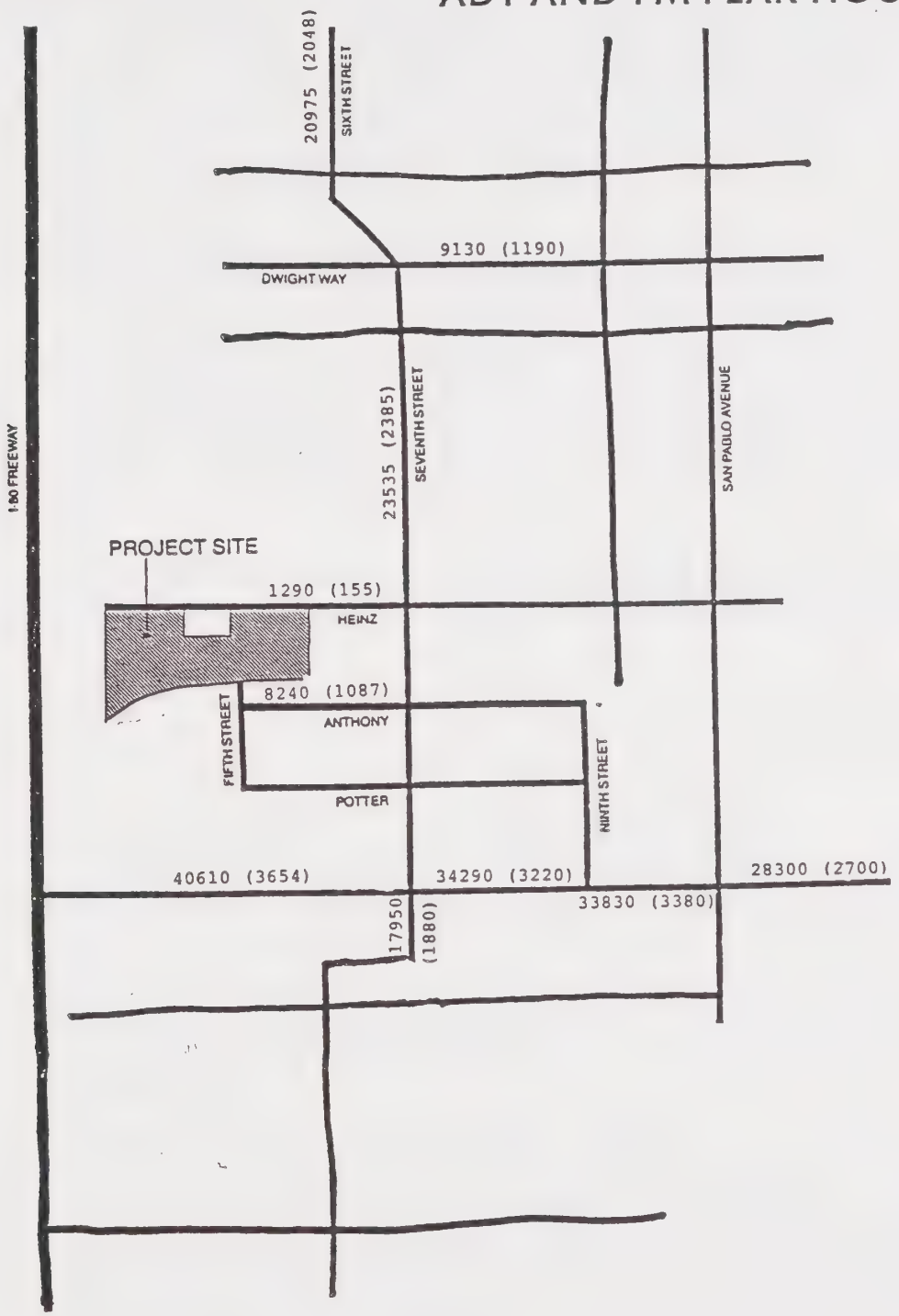
Project and Use	KGSF	Peak Hour Trips AM In	AM Out	PM In	PM Out	Average Daily Traffic
Section C:						
C-12 Langendorf						
Office	70[b]	148	65	68	411	3,009
C-13 Ducommun						
Office	110	212	22	29	187	1,199
C-14 Berkeley Business Center						
Office Conversion[c]	200	212	22	28	188	1,200
Retail Conversion[d]	50	64	55	287	290	4,700
C-15 Airco/Temescal						
Office Conversion[e]	160	170	18	22	150	960
C-16 Kawneer Building						
Office Conversion[c]	50	77	14	15	87	638
C-17 Oscar Kreinz Building						
Office	45	95	17	18	109	797
Retail	45	72	61	322	326	5,305
C-18 Consolidated Freightways						
Office	64	136	24	26	155	1,133
Section C Subtotals	794	1,186	298	815	1,903	18,941
Sections A + B + C Grand Totals	1,853 plus 550 dwelling units	2,883	1,086	2,153	4,357	49,550

[a] This data was derived by multiplying the rates referred to in Table 7 by project use.
[b] KGSF - Thousand Gross Square Feet. Square footage is rounded to the nearest thousands.
[c] Used 55 percent of General Office Type A rates. (See Table 7.)
[d] Used 80 percent of Retail (less than 50,000 GSF).
[e] Used 72 percent of General Office Type B rates. (See Table 7.)

Source: Kenneth M. Bankston Associates, Inc.

FIGURE 28
5 YEAR PROJECTS

CUMULATIVE + PROJECT TRAFFIC: ADT AND PM PEAK HOUR



TWO-WAY TRAFFIC
00 ADT
(00) PM PEAK HOUR

AQUATIC PARK CENTER (DURKEE SITE)

One obvious conclusion that could be drawn from these results is that Seventh Street should be widened to provide two through lanes in each direction. However, this would only provide temporary relief while acting as an attractant for increased auto use and detract from use of other transporation modes. Other possible methods include diverting all or some of the project traffic from the Seventh Street corridor and implementation of the TSM measures shown in the DEIR. At a minimum, the mitigation measures in this Final EIR (and assumed in the analysis) need to be accomplished. And these traffic issues need to be considered within an overall planning context. However, it is beyond the scope of this study to do the detailed analysis of the future transportation network that would be required.

Individual Project Impacts on Critical Intersections. Revised Table 11 shows the amount and percentage of total traffic generated by the proposed Aquatic Park Center Project and each of the 18 near- and long-term cumulative projects.

The quantitative impacts of the long-term cumulative development are discussed in the next section, Cumulative Analysis. The possible solutions to the forecast traffic volumes shown there are planning related actions whereas the mitigation measures recommended for the near-term conditions are specific projects requiring funding.

Mitigation Measures

No additional project-sponsored mitigation measures are recommended. However, the revised analysis points out the compelling need for the mitigation measures shown in the DEIR.

CUMULATIVE ANALYSIS

Approach

The requirement of the California Environmental Quality that cumulative impacts be discussed in an environmental impact report was addressed in the DEIR through the use of a cumulative project list: an inventory of projects anticipated to be developed in the project area in future years.

This list was presented in two parts: projects that can reasonably be expected to come on line in the short term (approximately five years) and projects farther in the future. These two sets of projects were identified in the DEIR in Tables 2 and 3 (pp. 48 and 51), respectively.

Since the time that the initial research undertaken for the DEIR was completed, other projects have been formulated or have been called to the attention of the consultants which were not included in the project lists in the DEIR. In addition, the publication of the DEIR on the Berkeley Waterfront Plan drew attention to the fact that the cumulative project lists in the two DEIRs were inconsistent in certain respects. Some of this inconsistency was intentional, since the Aquatic Park Project is a single-phase short-term project, to be analyzed more appropriately in a short-term development context, while the Berkeley Waterfront Plan is a multi-phase project more appropriately seen in the long-term development context.

Revised Table 11

Vehicles Entering Critical Intersections[a]
PM Peak Hour

No.	Project	Critical Intersection Number 1	2	3	4	5
C-1	Carlton Street Business Center	95 (7%)	181 (10%)	162 (14%)	162 (19%)	195 (22%)
C-2	Wareham Office Building	0 (--)	9 (--)	9 (1%)	13 (2%)	11 (1%)
C-3	Mighetto & Youngmeister	0 (--)	9 (--)	9 (1%)	13 (2%)	11 (1%)
C-4	Whole Earth Access	6 (--)	16 (1%)	36 (3%)	19 (2%)	19 (2%)
C-5A	Berkeley Auto Mall North	102 (7%)	174 (9%)	361 (30%)	209 (25%)	209 (23%)
C-5B	Berkeley Auto Mall South	221 (16%)	311 (16%)	0 (--)	0 (--)	0 (--)
C-6	Berkeley Business Center	60 (4%)	35 (2%)	20 (2%)	20 (2%)	20 (2%)
C-7	Parker Plaza	15 (1%)	20 (1%)	20 (2%)	20 (2%)	40 (4%)
C-8	Kershaw	35 (2%)	35 (2%)	0 (--)	0 (--)	11 (1%)
C-9	Bay Center Development	244 (17%)	302 (16%)	66 (6%)	66 (8%)	66 (7%)
C-10	Bay Center Apartments	122 (9%)	150 (8%)	32 (3%)	32 (4%)	32 (4%)
C-11	Emeryville Shopping Center	411 (29%)	490 (27%)	99 (8%)	99 (12%)	99 (11%)
Proposed Project:	Aquatic Park Center	91 (6%)	157 (8%)	362 (30%)	187 (22%)	187 (22%)
Total Vehicles		1,402 (100%)	1,889 (100%)	1,176 (100%)	840 (100%)	900 (100%)

[a] This table shows the estimated number of vehicles generated by each of the cumulative projects and proposed project entering each intersection in the PM peak hour. Intersections are designated: 1. San Pablo/Ashby; 2. Seventh/Ashby; 3. Seventh/Anthony; 4. Seventh/Heinz; 5. Seventh/Dwight Way. Revised Figure 27a maps their locations. The percent of total traffic growth generated by each project at each intersection is indicated in parentheses.

Source. Kenneth M. Bankston Associates, Inc.

In order to respond to comments on the DEIRs on both projects, the approach taken has been to review the project inventory, distinguishing between short-term and long-term development horizons, while striving for completeness in representing projects identified up to the present. Thus, project concepts or proposals which have arisen since April have been added to the cumulative project list and projects inadvertently omitted due to lack of information have been incorporated.

With regard to the longer-term, sites have been identified as potential projects for which, however, no specific development plans have been formulated. In these cases, a worst-case assumption combining a maximum of built space and maximal office use of that space was made. In many (if not most) cases where office is shown as the exclusive use in the long-term section of the table, mixed use--with retail and restaurant and service uses accompanying office use--is probably the more likely scenario, but the office focus helps assure that cumulative impacts will not be understated.

The result of this comprehensive review of potential projects is presented in the table on the next page.

Analysis of Cumulative Impacts

The importance of considering cumulative impacts lies in the fact that an individual project's effects are to be put into an evaluative perspective that reflects other environmental changes that can reasonably be anticipated to occur over the forecastable future of a project.

Thus, the transportation analysis of a project is normally considered in the context not only of existing conditions, but also of future conditions with the accumulated traffic generation of other new or expanded projects taken into account. The traffic analysis conducted for the DEIR took into account the projects identified in that document in Tables 2 and 3. The revised traffic analysis presented above takes into account the full set of building programs identified in the table on the next page.

Land Use. The DEIR states that the proposed project would represent the continuation of a trend of land use changes in the larger study area. In general terms, the land use pattern implicit in the cumulative project list will represent a higher intensity of activity than at present, with traditional manufacturing jobs gradually giving way to a variety of office- and retail/service-based business users. This trend is not in and of itself an adverse impact, as the DEIR points out. (Indirect impacts in the areas of employment and housing are described below.) The expansion of the cumulative project list simply extends the picture already described in the DEIR.

Employment and Housing. The project list is indicative of the fact, pointed out in the DEIR (p. 136), that a large amount of commercial space has already been permitted in this area. Aquatic Park Center is part of a land use trend emphasizing employment expansion and intensification, but is not the cause of such a trend. The existence of the trend means that West Berkeley may be less likely that it would be otherwise to experience housing expansion to any significant degree. The DEIR points out (p. 64) the difficulty of attempting to address employment and housing goals of the communities simultaneously on any one site or in any one area. The provision for the continuation of some live-work space at the site is a gesture in the direction of preserving some housing opportunities in what has historically been an employment area. However, taken altogether, the cumulative impacts of the projects listed tend away from housing provision.

DEVELOPMENT PROJECTS INCLUDED IN THE CUMULATIVE IMPACTS ANALYSIS

Project	Location	Building Program	Use(s)
FIVE YEAR HORIZON: SOUTHWEST BERKELEY[a]			
1. Carleton Street Business Center	Carleton/7th, SW	293,610 sf[b]	Office/R&D (225,895 sf), Warehouse (67,715 sf)
2. Wareham Office Building (AAA)	Anthony/7th, NE	10,000 sf	Professional Office
3. Mighetto & Youngmeister	Grayson/7th, SW	10,000 sf	Professional Office
4. Whole Earth Access (expansion)	Potter/7th, SW	12,000 sf	Retail
5. Berkeley Auto Mall	Ashby West of 7th	160,000 sf	Auto Showroom, Service and Offices
6. Berkeley Business Center[c] (initial conversion)	San Pablo/Heinz, W (old Heinz Plant)	54,000 sf	Office
7. Parker Plaza (conversion)	Parker/9th, NW	22,000 sf[d]	Office
8. Kershaw Building	San Pablo/Channing	12,000 sf	Office/Retail
FIVE-YEAR HORIZON: EMERYVILLE			
9. Bay Center Office Development	I-80, 65th Street, SPRR, 64th Street	325,000 sf	Office
10. Bay Center Apartment Development	Same, East of Christie Ave. Extended	550 apts.	Residential
11. Boxcraft/P.I.E. Site (conversion)	I-80/Powell	160,000 sf	Retail
LONG-TERM (CA. 2010) HORIZON:[e] SOUTHWEST BERKELEY AND EMERYVILLE			
1. Berkeley Waterfront Plan	Bayfront	565,000 sf	Hotel (465,000 sf), Retail and Restaurant (68,000 sf), Conference Center (32,000 sf)
2. Langendorf Site (conversion)	Anthony/7th, SE	70,000 sf	Office
3. Ducommun Site	Parker/7th, SE	110,000 sf	Office
4. Berkeley Business Center (balance of conversion)	San Pablo/Heinz, SW	250,000 sf	Office (80%), Retail (20%)
5. Airco/Temescal (conversion)	7th	160,000 sf	Office
6. Kawneer ("Sawtooth") Building (conversion)	Parker/8th, SW	50,000 sf	Office
7. Oscar Krenz (conversion)	Potter/5th, S	90,000 sf	Office (50%), Retail (50%)
8. Consolidated Freightways Site	2515 Parker	64,000 sf	Office
9. Emeryville Bayfront Plan	Bayfront	Either:	3.1 million sf Office/Retail and 1,500 Housing Units
		Or:	1.3 million sf Office/Retail and 4,300 Housing Units

sf = square feet

[a] All of the first 11 projects (with the exception of Berkeley Business Center) have already been approved.
[b] First phase of a project with a theoretical capacity of twice this size.
[c] See balance of project at Item 4 below.
[d] Represents the amount of space remaining to be occupied as of mid-October 1986.
[e] No specific applications have been received on these sites, with the exception of the above-mentioned Emeryville projects. In cases of incomplete information, a worst case assumption was made emphasizing office use; most of the projects, however, are more likely to be mixed-use than exclusively office.

Source: Mundie & Associates

Cumulative Traffic Impacts.

Local Intersections. Revised Table 20 compares the traffic impacts from the Berkeley Waterfront and Emeryville Bayfront Plans with those generated by the proposed Aquatic Park Center and the near- and long-term cumulative proejcts.

Revised Table 20 shows that the cumulative near-term projects, C-1 through C-11, will impact all of the critical intersections analyzed most substantially. All of the intersections in the Seventh Street corridor with the exception of Dwight/Seventh (i.e. Ashby, Anthony and Heinz) as well and the intersection of San Pablo/Ashby, would operate under conditions of severe congestion and total breakdown of traffic flow during the peak periods.

The long-term potential development (C-12 through C-18) would impact the critical intersections somewhat less seriously, though the percentage of growth accounted for by these projects approaches 40 percent in two instances (see Revised Table 20, intersections 3 and 4).

The Berkeley Waterfront Plan will have only modest impacts on any of the intersections with Emeryville producing a more sizeable impact, especially on the Ashby/Seventh Street intersection (2), which is already operating at an oversaturated F LOS level in the PM peak hour.

Revised Table 20

Vehicles Entering Critical Intersectionsa
PM Peak Hour
Aquatic Park Center, Cumulative Projects C-1 through C-18 and Waterfront Plans

(percent of traffic growth)

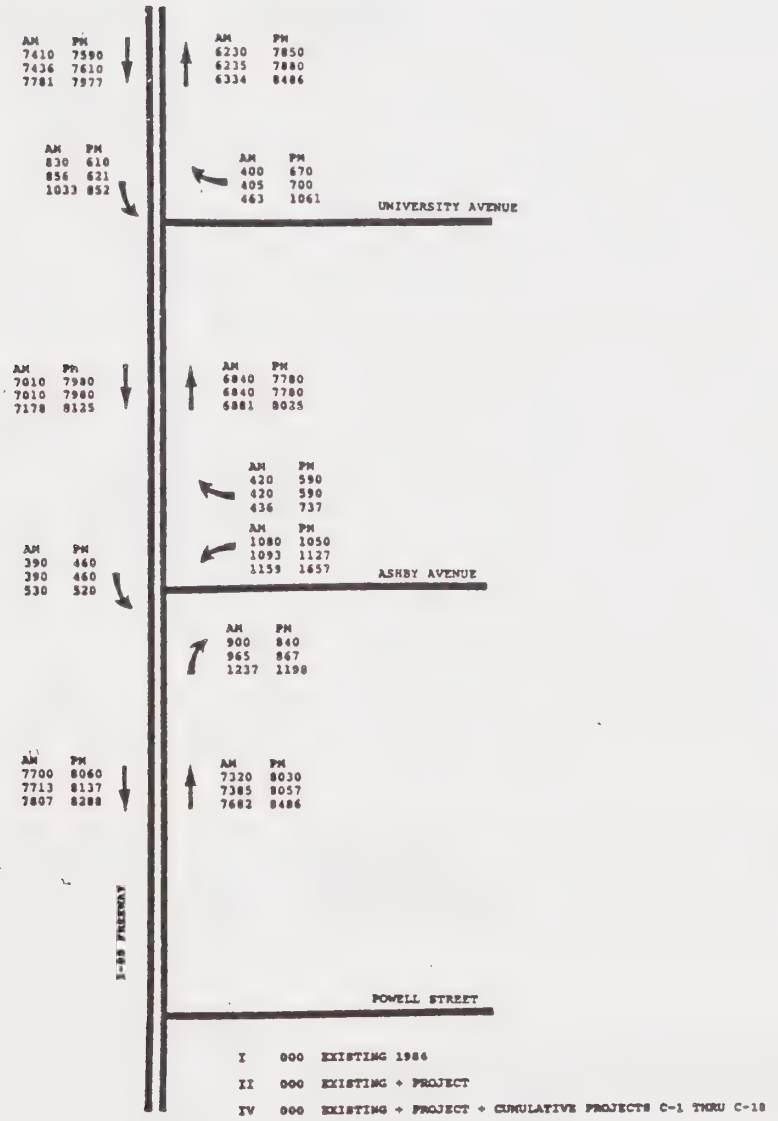
Project	Critical Intersection Number 1	2	3	4	5
Aquatic Park Center	91 (3%)	157 (3%)	362 (10%)	187 (7%)	187 (9%)
Cumulative Projects[a] C-1 through C-11	2,124 (65%)	2,078 (46%)	1,605 (44%)	1,272 (47%)	1,074 (51%)
Cumulative Projects[a] C-12 through C-18	663 (20%)	1,140 (25%)	1,392 (39%)	993 (37%)	578 (28%)
Berkeley Waterfront[b]	100 (3%)	100 (2%)	50 (1%)	50 (2%)	50 (2%)
Emeryville Bayfront[c]	300 (9%)	1,040 (24%)	200 (6%)	200 (7%)	200 (10%)
TOTALS	3,278 (100%)	4,515 (100%)	3,609 (100%)	2,702 (100%)	2,089 (100%)

[a] Revised Tables 9a, 9b, and 9c provide detailed trip generation estimates for eighteen projects.
[b] Based on Berkeley Waterfront Environmental Impact Report.
[c] Emeryville Waterfront Plan EIR, November, 1985.

Source: Kenneth M. Bankston and Associates, Inc.

Freeway Interchanges and Segments. Traffic volumes under Conditions I, II, and IV on Interstate 80 segments and the relevant on- and off-ramps are shown in the following figure.

Table 10b shows the LOS results of the near- and long-term cumulative projects. As the table shows, all of the on- and off-ramps will operate at acceptable LOS levels with the cumulative projects C-1 through C-18 with the exception of the Southbound on-ramp at I-80 and Ashby which will operate at an unacceptable LOS F in the PM Peak Hour. Many of the I-80 segments will continue to operate at unacceptable LOS levels. However, this analysis assumes the same lane geometry currently in place. Caltrans does plan to widen I-80; however, the portion of I-80 in Berkeley is not currently in their program. Even a planned widening will only provide a short-term improvement, as Caltrans acknowledges.



INTERSTATE 80 TRAFFIC VOLUMES
A.M. and P.M. PEAK HOUR

Air Quality and Noise. Both of these environmental conditions relate directly to traffic generation, and the DEIR analysis took into account the cumulative impacts of the short-term development projects identified in Table 2 (p. 48) of the DEIR. Several identified or potential projects have been added to the short-term list, resulting in a potential increase of about one-third in the amount of office space to be added in southwest Berkeley above that considered in the DEIR, with an equivalent total envisioned to be added in Emeryville in the same period.

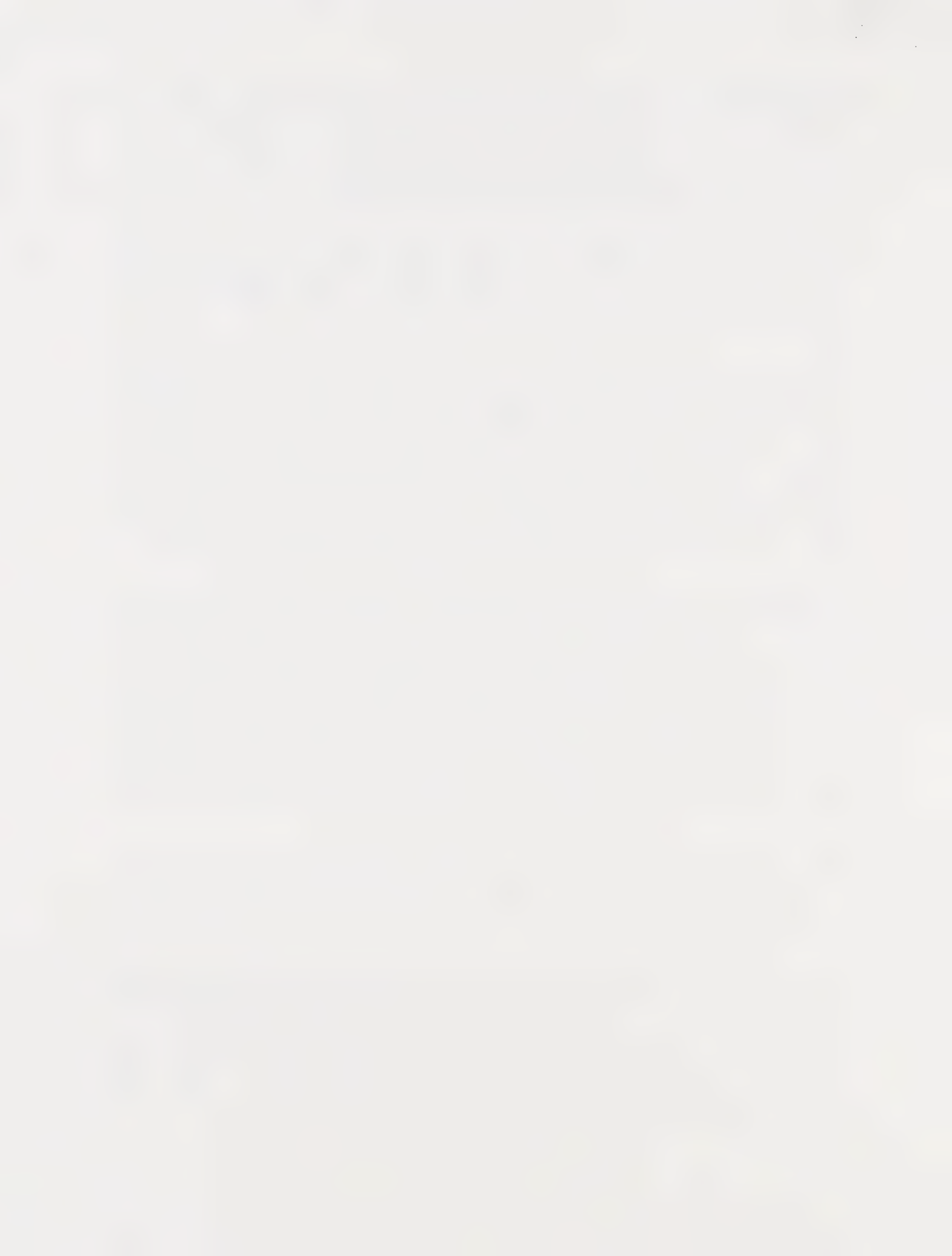
Cumulative air quality impacts were addressed in the DEIR analysis for the region (Table 14, p. 104) and for five critical intersections in the site area (Table 15, p. 105) These figures, the result of a modeling analysis, cannot simply be inflated proportionately to the increase in the cumulative project square footage in order to determine the effect of that increase on the forecast results.

However, it is important to consider whether the larger number of cumulative projects would be likely to cause exceedances of carbon monoxide standards. In the judgment of the air quality analyst, no exceedances of either the state one-hour standard (20 parts per million) or the federal eight-hour standard (9 parts per million) are likely. The site context has good air quality characteristics because of its location near the Bay: good air dilution because of wind results in a low level of pollution buildup. While there is no carbon monoxide monitoring in Berkeley, the monitoring station in Oakland (a city with a higher vehicle density) has reported few exceedances of carbon monoxide standards, and those are limited to a single year (1984). Thus, while a large total magnitude of development would result in increased emissions, air quality would be expected to remain within established standards.

As was indicated in the DEIR (p. 106), the noise environment of southwest Berkeley is characterized by a predominance of vehicle noise. The noise analysis conducted for the DEIR indicated that project traffic together with cumulative traffic would increase noise levels by less than one decibel (a level not noticeable) except on Anthony Street, where a nine decibel increase (doubling of loudness) would occur. Both of these impacts would rise given an expansion of the cumulative project list. However, Anthony Street impacts reflect primarily the project and would probably not rise much further even with the addition of other projects (whose traffic patterns would not rely on Anthony Street), while impacts on other streets would be dispersed. The key point of the noise analysis is that the pattern of land uses is consistent with the noise environment forecast, so that the uses proposed, including the additional cumulative projects, would continue to be "normally acceptable" for the context.

Public Services. The additions to the cumulative project list would cause further incremental increases in the demand for fire, police, water, sewer and storm drainage services beyond those discussed in the DEIR. Each such project would be reviewed by relevant service agencies for a determination of service adequacy and application of appropriate mitigation measures.

Fiscal Impacts. The additional projects would further improve the revenue generation potential of this part of Berkeley. The fact that West Berkeley is a developed area means that services are already being provided. Fiscal effects of cumulative development would be positive assuming the continuation of existing requirements for developer funding of certain kinds of service improvements. New development in conformity to current codes and with design features reflecting public safety needs is unlikely to pose unusual new problems for fire and police services. Thus, revenues can reasonably be expected substantially to outstrip costs, not only for Aquatic Park Center (DEIR, p. 130), but for other projects in the area.



Mitigation Measures

The foregoing discussion indicates that the environmental condition which would experience the most significant deterioration due to the additional projects incorporated in the revised cumulative impact analysis would be transportation.

The transportation network is known to be operating at poor service levels presently, and whether or not the project is developed, these conditions can be expected to worsen. There is a need for Berkeley to address transportation problems of this part of the city in a concerted and coordinated manner, ideally in cooperation with the City of Emeryville, looking toward identification and implementation of measures that will benefit both cities as well as existing and new land uses in the area.

The eighteen mitigation measures listed in the DEIR (pp. 98-101), with the exception of those which have been incorporated into the project by the applicant, continue to be recommended. Furthermore, a more comprehensive planning effort in West Berkeley, which would include a transportation and circulation study of the area, is clearly warranted. During the course of that study, the city may decide it appropriate to impose a moritorium on development until specific roadway improvements (and funding mechanisms) and other mitigations have been designed.

As part of the West Berkeley Plan process, the city's goals in regard to employment of local residents and housing production on appropriate sites should also recieve focused attention. Not only are these issues important in their own right, but they interelate with the issue of traffic. The type of development encouraged by the city for this area could have a significant impact on the volume of traffic experienced.

ARCHEOLOGY

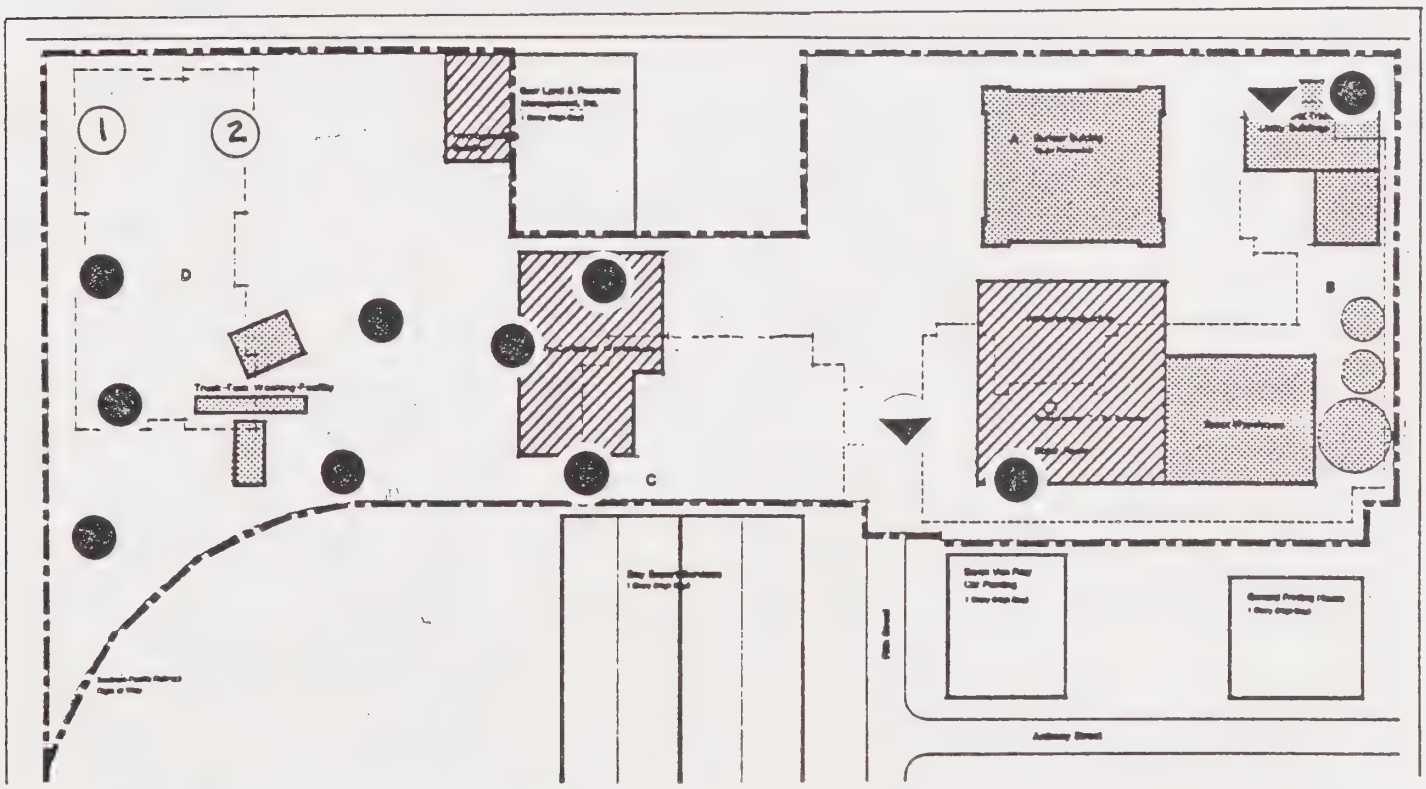
Extensive soil sampling by Peter Kaldveer and Associates was done as part of the foundation feasibility analysis (Kaldveer, 1985). The results of these soil borings were evaluated by staff at the California Archeological Inventory (CAI), Sonoma State University, who concluded that the soils samples were devoid of cultural resources.

However, staff at CAI recommended that in order to be confident that no significant cultural resources would be disturbed even more by excavation and construction at the site, an archeologist be engaged to sample the soils located in the northwest corner of the site (an area not covered by the Kaldveer sampling).

Mundie & Associates contracted with Benjamin Ananian, Consulting Archaeologist, to investigate the presence of surface level cultural resources as well as to undertake borings in the northwest corner of the site (see map for location of borings) and analysis of the unearthed materials.

Mr. Ananian's findings were entirely consistent with those of the Kaldveer sampling: approximately one foot of yellow gravelly sand fill capping a silty clay devoid of cultural material (see Appendix C).

For this reason, no mitigation measures are recommended.



Location of Kaldveer Borings

Location of Kaldveer Bulk Samples

Location of Ananian Borings

CHAPTER III

COMMENTS AND RESPONSES

STATE AGENCIES AND SPECIAL DISTRICTS

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY GEORGE DEUKMEJIAN, Governo

DEPARTMENT OF HEALTH SERVICES
2151 BERKELEY WAY
BERKELEY, CA 94704

AUG 20 1986

ZONING DIVISION

August 18, 1986

Gil Kelley, Senior Planner
City of Berkeley
Zoning Division
2180 Milvia Street
Berkeley, California 94704

Dear Mr. Kelley:

As per your request, the following are my staffs' comments on the Draft E.I.R. for Aquatic Park Center (Durkee Site), Berkeley.

Comments
The E.I.R. is well written and comprehensive. It voices all Department of Health Services (DHS) concerns and accurately characterizes the site at the time it was drafted. However, there are several additional cleanup activities that have occurred since. They are:

- DHS has met with Wareham Development on June 3, 1986 to discuss the preparation of a Remedial Action Plan/Closure Plan for the site. This Plan will address all the "Public Health Considerations" stated on page 9 and 10 of the E.I.R. The Plan is expected to be received by August 22, 1986.

- In an effort to clean up the site, several aboveground hazardous material storage tanks, the wash rack, and associated piping have been removed.

- Additional soil sampling for hazardous wastes has been completed and are awaiting laboratory analysis.

- DHS has also met with Gary Scheffler of East Bay Wash Rack on June 4, 1986. Mr. Scheffler agreed to remove and dispose of properly all hazardous materials on-site and conduct sampling for possible residuals.

In our discussions with Wareham Development, we have requested a Remedial Action Plan/Closure Plan which will address all DHS concerns and provide a cleanup plan ultimately designed to close the site. At this time we expect this plan to be submitted by August 29, 1986 and to contain a summary of cleanup activities performed

since June 1986. Once all concerns have been addressed, DHS intends to start the closure process. If you have further questions concerning this site, please contact Stephen A. Cimperman of my staff at (415)540-2043.

Sincerely,

for

Dwight R. Hoenig, Chief
North Coast California Section
Toxic Substances Control Division

DRH:sac:ron

Response to Comment 1

This letter describes the ongoing process by which the Department of Health Services, State of California, approves the closure of a land use like this one and is hereby noted.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Edward R. [illegible]
Brentwood, California
Fred E. [illegible]
Pittsburg, California
Zoning Chairperson

CONTRA COSTA COUNTY
Paul L. Cooper
Susan Wright McPeak

MARIN COUNTY
A. Aramburu
Supervisor

NAPA COUNTY
[illegible]

SAN FRANCISCO COUNTY
Harry G. Britt
Carol Ruth Silver
Chairperson

SAN MATEO COUNTY
Gust Nicolopulos
Jacqueline Speier

SANTA CLARA COUNTY
Rod Diridon
Ralph P. Doetsch, Sr.
Roberta H. Hughan
Susanne Wilson

SOLANO COUNTY
Osby Davis

SONOMA COUNTY
Helen B. Rudee

August 13, 1986

City of Berkeley
Planning and Community
Development Department
2180 Milvia Street
Berkeley, CA 94704

AUG 14 1986

ZONING DIVISION

Attention: Gil Kelley
Senior Planner

Dear Mr. Kelley:

We have reviewed the Draft EIR for the Aquatic Park Center Project (Durkee Site). The proposed mixed-use project would include development of office, retail, and possibly light industrial and R&D uses on about six acres of land. The project site is located on Heinz Avenue between Seventh Street and the Southern Pacific Railroad tracks.

The DEIR indicates that contaminated soils on the project site may require cleanup. Depending on the method of cleanup, contaminants may become airborne, and the cleanup operation may require a permit from the District. In addition, light industrial and R&D uses locating at the project site may require District permits. 2

We recommend that the project sponsor and industrial developers contact our Permit Services Division at (415) 771-6000, extension 215 for information on permit regulations. We also recommend that the Final EIR note the potential need for District permits for the construction and operation phases of the proposed project.

If you have any questions, please contact Jean Roggenkamp, the Planner in our office.

Sincerely,

Milton Feldstein
Air Pollution Control Officer

MF:ey

939 ELLIS STREET • SAN FRANCISCO, CALIFORNIA 94109 • (415) 771-6000

Response to Comment 2

Comments noted. The project sponsor would be responsible for securing all necessary permits from the Bay Area Air Quality Management District (and any other agencies with permitting authority over the proposed project).

STATE OF CALIFORNIA—OFFICE OF THE GOVERNOR

GEORGE DEUKMEJIAN, Governor

OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET
SACRAMENTO, CA 95814

AUG 18 1986
ZONING DIVISION

August 15, 1986

Gil Kelley
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

Subject: Aquatic Park Center (Drukee Site)
SCH# 86071501

Dear Mr. Kelley:

The State Clearinghouse submitted the above named draft Environmental Impact Report (EIR) to selected state agencies for review. The review period is closed and the comments of the individual agency(ies) is(are) enclosed. Also, on the enclosed Notice of Completion, the Clearinghouse has checked which agencies have commented. Please review the Notice of Completion to ensure that your comment package is complete. If the package is not in order, please notify the State Clearinghouse immediately. Your eight-digit State Clearinghouse number should be used so that we may reply promptly. 3

Please note that recent legislation requires that a responsible agency or other public agency shall only make substantive comments on a project which are within the area of the agency's expertise or which relate to activities which that agency must carry out or approve. (AB 2583, Ch. 1514, Stats. 1984.)

These comments are forwarded for your use in preparing your final EIR. If you need more information or clarification, we suggest you contact the commenting agency at your earliest convenience.

Please contact Norma Wood at 916/445-0613 if you have any questions regarding the environmental review process.

Sincerely,

John B. Ohanian
Chief Deputy Director
Office of Planning and Research

cc: Resources Agency

Enclosures

+ to Norma

CITY OF BERKELEY

NOTICE OF COMPLETION AND ENVIRONMENTAL DOCUMENT TRANSMITTAL FORM

Mail to: State Clearinghouse, 1400 Tenth St., Rm 121, Sacramento, CA 95814 (916/445-0613)

SCH # 86071501

1. Project Title: Aquatic Park Center (Durkee Site)
2. Lead Agency: City of Berkeley — 3. Contact Person: Gil Kelley
3a. Street Address: 2180 Milvia Street — 3b. City: Berkeley
3c. County: Alameda — 3d. Zip: 94704 — 3e. Phone: (415) 644-6570
PROJECT LOCATION 4. County: Alameda — 4a. City/Community: Berkeley
4b. Assessor's Parcel No.: n/a — 4c. Section — Twp. — Range
5a. Cross Streets: 750 Heinze Ave & 9th Street — 5b. Nearest Community:
6. Within 2 miles: a. State Hwy #: 17/I-80 — b. Airports — c. Railways: Southern Pacific — d. Waterways: San Francisco Bay

7. DOCUMENT TYPE
CEQA: 01. ___ NOP; 02. ___ Early Cons; 03. ___ Neg Dec; 04. X Draft EIR; 05. ___ Supplement/Subsequent EIR (Prior SCH No.: ___); 06. ___ NOE; 07. ___ FONSI
NEPA: 08. ___ NOI; 09. ___ Draft EIS; 10. ___ FONSI; 11. ___ FEIS; 12. ___ ROD
OTHER: 13. ___ Joint Document; 14. ___ Final Document; 15. ___ Other ___

8. LOCAL ACTION TYPE
01. ___ General Plan Update; 02. ___ New Element; 03. ___ General Plan Amendment; 04. ___ Master Plan; 05. ___ Annexation; 06. ___ Specific Plan; 07. ___ Community Plan; 08. ___ Redevelopment; 09. ___ Rezone; 10. ___ Land Division (Subdivision, Parcel Map, Tract Map, etc.); 11. X Use Permit; 12. ___ Route Adpt Plan; 13. ___ Coastal Ag Preserve; 14. X Other Local Landmarks Commission Approval

9. DEVELOPMENT TYPE
01. X Residential: Units 4-5 Acres 0.25
02. X Office: Sq. Ft. 90,000 Acres ___ Employees ___
03. X Shopping/Commercial: Sq. Ft. 24,000 Acres ___ Employees ___
04. X Industrial: Sq. Ft. 13,000 Acres ___ Employees ___
05. ___ Water Facilities: Type ___ MGD ___
06. ___ Transportation: Type ___
07. ___ Mining: Mineral ___
08. ___ Power: Type ___ MW ___
09. ___ Waste Treatment: Type ___
10. ___ CCR Related
11. ___ Other: ___

RECEIVED JUL 10 1986 SCH 86071501 Clearinghouse

10. TOTAL ACRES: 5.75
11. TOTAL JOB CREATED: 400

12. PROJECT ISSUES DISCUSSED IN DOCUMENT
01. X Aesthetic/Visual; 02. ___ Fiscal; 03. ___ Flood Plain/Flooding; 04. X Forest Land/Fire Hazard; 05. X Geologic/Seismic; 06. X Minerals; 07. X Noise; 08. X Population/Housing Balance; 09. X Public Services; 10. ___ Recreation/Parks; 11. ___ Schools; 12. X Septic Systems; 13. X Sewer Capacity; 14. X Soil Erosion/Compaction/Grading; 15. ___ Solid Waste; 16. X Toxic/Hazardous; 17. X Traffic/Circulation; 18. ___ Vegetation; 19. ___ Water Quality; 20. ___ Water Supply/Groundwater; 21. ___ Wetland/Riparian; 22. ___ Wildlife; 23. X Growth Inducing; 24. ___ Landuse; 25. X Cumulative Effects; 26. ___ Other ___

13. FUNDING (approx) Federal $ ___ State $ ___ Total $ ___

14. PRESENT LAND USE AND ZONING: Located in 'M' (Manufacturing) District of southwest Berkeley. Formerly the site of a food manufacturing plant (Durkee Famous Foods) now abandoned and partially demolished. A portion of the buildings are leased to 10 or fewer commercial and live/work tenants.

15. PROJECT DESCRIPTION: Demolish two buildings, rehab two buildings and construct several new buildings to house office, light industrial, live/work, theatre, retail and parking uses.

COMMENTS DUE CLEARINGHOUSE: Norma Wood

STATE REVIEW BEGAN: 7/16

DEPT. REVIEW TO AGENCY: 8/8

AGENCY REVIEW TO SCH: 8/13

SCH COMPLIANCE: 8/15

30-day review

W/C	W/C		W/C	W/C	
		RESOURCES	X		CALTRANS# 04
		CONSERVATION			
		FISH/GAME			
		PARKS&REC/OHP			
		ARB			
X		REGION# 2 (Oak.)			
					EMERG SVCS
			X		FDC
					PUBLIC UTILITIES
					CORRECTIONS
					GENERAL SVCS
					SLC (SCDC'S)

Response to Comment 3

No response necessary. The State Clearinghouse routinely sends a cover letter along with the comments it has received from State agencies. The comments of three such agencies follow.

of California

Business, Transportation and Housing Agency

Memorandum

Norma Wood
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Date : August 6, 1986

File No.: ALA 080-PM 4.58
SCH #86071501
AL080019

DEPARTMENT OF TRANSPORTATION – 4

Subject: Draft EIR - Aquatic Park Center Project (Durkee Site)

Caltrans has reviewed the above-referenced document and forwards the following comments:

A. Trip Generation

1. Table 7: Should include rates for Industrial, R & D land uses (Table 8, Scenario Two, C & E, includes these land uses); 4

2. Table 8, Scenario Two, B: AM-IN trips should be revised to 29 (in lieu of 16); 5

3. Table 9: 6

   a. C-1 Office AM-IN trips should be revised to 436 (in lieu of 384);
   b. C-1 Warehouse AM-IN trips should be revised to 36 (in lieu of 88);
   c. Note a. should be revised to refer to Table 7 (in lieu of Table 8)

AUG 13 1986

B. Cumulative Projects

A comparison was made between the cumulative projects included in the analysis by the subject traffic study (project plus Table 9) and that by the Berkeley Waterfront Plan (Table 3 & Figure 16) for the area encompassed by Route I-80, Ashby Ave. (Route 13), San Pablo Ave. (Route 123) and Dwight Way. (See following Table). Both documents are dated June 1986 and were prepared for the same lead agency, the City of Berkeley Planning and Community Development Department. The land use data on which the traffic projections of these two reports are based should be mutually consistent. 7

Project	Gross Square Feet, in Thousands	
	BWF	APC
Auto Mall, 7th&Potter (Berkeley Auto Mall North)	75	80
Mighetto & Youngmeister, 8th&Grayson	10	10
Whole Earth Access, 7th&Potter	12	12
Acquatic Park Center Exp., 7th&Heinz	150	127.6/128.2
7th&Carleton St. Business Center	587	293.6 *
Langendorffs Bakery, 7th&Potter	12(+70)	-

Ducommun Plant, 7th&Parker	110	-
Wareham Office Building	-	10
Berkeley Auto Mall South	-	80

* Difference (from BWF) explained on page 87

C. Trip Distribution

The text on page 87, and Figure 25, intermingle the distribution and assignment concepts; these are two separate phases in trip projections modeling.

The trip distribution - from producing to attracting traffic zones - needs to be stated (in volumes or percentages) and corroborated as to source and/or model used. It should be representative of regional socio-economic patterns not of some past year, but of the year of projection - per text on page 87, apparently five years hence. For instance, per Figure 25:

1. 27% of the trips attracted to the developments (presumably both project and cumulative) would be coming from the "South Bay". How was this comprehensive percentage derived? Does it reflect projected 1991 or 1992 housing and employment patterns in the region --- and especially Southern Alameda County ? Is it appropriate for both a) Home-Base-Work trips (which are of greater average length and are major components of the AM peak trips) and b) Home-Base-Shopping trips (which are of more local character and a major contributor to the PM peak trips from commercial attractors.)? 8

2. A total of 11% of the traffic was attributed to productions in "Central Contra Costa County"; 5% were assigned to I-80 (and it is not clear whether north via Route 4 or south via Route 24), and 6% to Ashby Ave. (Route 13). Do the two percentages represent trips produced in the northern and southern portions of CCCC, respectively? If so, the distribution coverage should treat them as from separate zones. Or were they lumped together, and assigned to different paths by estimate? 9

D. Trip Assignment (See also item C, above)

1. Was a computer model used to assign the distributed trips to the different available paths, choosing the fastest and/or most convenient routes? Or was this accomplished based on occasional observations and judgement? 10

2. At least two of the assignment percentages shown on Figure 25 (and their corollary percentages) appear not to be realistic:

   a. 44% (12/27) of the "South Bay" trips are projected to access the site area via Seventh Street south of Ashby (via Folger Ave. ?);

b. All of the "North Bay" trips would access via Sixth Street (and University Ave.).

These assignments need to be re-evaluated and revised and/or corroborated. It would seem that virtually all of the "South Bay" traffic would use Ashby Ave. to access I-80 or San Pablo Ave., and that a substantial percentage of the "North Bay" traffic would use the Ashby/I-80 interchange. 11

E. Traffic Impacts on the State Highway System

These impacts should be shown:

1. In terms of both AM and PM peak hour volumes (and ADT); 12

2. By means of diagrams showing existing, existing plus project-generated, and existing plus project-generated plus cumulative volumes; 13

3. At all proximate access ramps to and intersections with State highways, and there in terms of thru and turning movement volumes (12 per peak in the case of 4-leg, 2-way intersections). Per Figure 25, this would include the following: 14

   a. Seventh & Ashby Intersection
   b. San Pablo & Ashby "
   c. Dwight Way & San Pablo "
   d. Ashby/I-80 Ramps
   e. Heinz & San Pablo Intersection (?)
   f. University/I-80 Ramps (if the 19% assignment of "North Bay" traffic to Sixth Street north is corroborated or not significantly reduced).

Note that it appears, from Table 10, that at least for the two Ashby intersections, the turning movement volumes were calculated (but not shown).

F. Existing Traffic Volumes

Per Figure 22, the PM peak hour volume on Ashby between I-80 and Seventh Street is shown to be only 3.2% (1060/33,190) of the ADT. This low volume and percentage needs to be verified. (The Berkeley Waterfront Plan DEIR, Figure 43, shows a PM peak hour volume of 2640). 15

G. Corrections/Clarifications

1. Page 76, 6th paragraph: Caltrans questions the assumption that " ... those accessing from the South Bay will use State Route 13 and Interstate 580." More likely the route is 80 & 880 (17). 16

2. Page 87, 5th paragraph: " ... 360 two-way trips ..." is vague terminology. Is this actually 720 one-way trips, or 360 one-way trips distributed both ways? 17

3. Page 97, Table 11: This table is mislabeled. It shows the growth of traffic in the critical intersections, but is labeled to indicate total vehicles - far from true. 18

H. Mitigation

The City of Berkeley should collect appropriate fees which can be used towards needed channelization and signal modifications on Ashby (Route 13) at Seventh and at San Pablo (Route 123). 19

I. Summary

1. This environmental document does not discuss the impacts of project-generated and cumulative growth traffic on I-80 and on the Ashby Avenue and University Avenue interchanges. Project-generated PM peak hour traffic is shown in Figure 26, page 89. Based on this traffic, it does not appear that the project by itself will have a substantial impact on I-80 or the above-noted interchanges. However, it could contribute to increased congestion on I-80, which is already congested during the PM peak period. 20

2. This environmental document does not analyze AM peak hour traffic conditions. We recognize that, in most cases, the PM peak hour has the worst traffic conditions during the day. However, in this area westbound I-80 is operating at capacity north of Berkeley during the AM peak period. Congestion on westbound I-80 is already severe. Project-generated and cumulative growth traffic will exacerbate that congestion. This adverse impact, if significant, should be discussed in this environmental document as required by CEQA regulations. 21

Should you have any questions regarding these comments, please contact Burdette Connor of my staff at (415) 557-9192.

Wallace J. Rothbart

WALLACE J. ROTHBART
District CEQA Coordinator

Response to Comment 4

Because the project is a mixed-use development of industrial/R&D/retail, not specifically designated in square footage by land use type, the higher rates of Office uses (under 100,000 square feet) were used since this would tend to present a worst case impact scenario (see rate for Office Type B, Table 7, DEIR).

Response to Comment 5

Comment noted. The AM-In trips in Table 8, Scenario Two, B should be revised to 29.

Response to Comment 6

Comment noted and revisions to table made (see supplemental Traffic Analysis, above, p. 9)

Response to Comment 7

Please see the revised list of cumulative projects (Table 20) and corresponding revised tables and figures in the supplemental Transportation analysis, above.

Response to Comment 8

The transportation consultant disagrees that there is any intermingling of distribution and assignment concepts in the Draft EIR. The two terms are both used, but in a way which is conventional for traffic analysis of this type.

The trip distribution used in the DEIR and the supplemental analysis above is consistent with recent environmental analyses prepared for the City of Berkeley and is based on work by the Metropolitan Transportation Commission (MTC) deriving from the 1980 Census, Journey to Work statistics. Those data reflect the housing and travel patterns which existed in late 1979. The trip distribution figures used in the DEIR and supplemental analysis for future years are based on the professional judgment of the transportation consultant.

Response to Comment 9

Please see previous response.

Response to Comment 10

A computer model was used to assign trips to the shortest time path.

Response to Comment 11

As can be seen in Figure 26 (p. 88, DEIR), only 12 percent of the trips are assigned south of Ashby on Seventh/Hollis. Project traffic to/from the north was not assigned to I-80 at Ashby Avenue because it is anticipated that due to congestion on I-80, the shorter time path for project traffic would be to travel north on Seventh Street. However, traffic from cumulative projects located in Emeryville was assigned to North I-80 at Powell and at Ashby via Bay Street.

Response to Comment 12

See supplemental Transportation analysis, above (p. 9) where both AM and PM peak hour volumes have been included.

Response to Comment 13

See supplemental Transportation analysis, above (p. 9).

Response to Comment 14

Analysis was performed at intersections a, b, d and f. Intersections c and e were not included in this analysis because they are not significantly effected.

Response to Comment 15

Supplemental traffic volume counts conducted on October 22, 1986 showed this number should be 2,599.

Response to Comment 16

The paragraph in question has been revised in the supplemental Transportation analysis to include SR 13, I-880, I-80 and I-580.

Response to Comment 17

The terminology used is standard for traffic analysis of this type. It means 360 one-way trips distributed in both directions.

Response to Comment 18

The table in question has been relabeled "Project Generated Vehicles Entering Critical Intersections". The footnote on page 97 (DEIR) provides an explaination of the table.

Response to Comment 19

See page 101, DEIR, Mitigation Measure 14, where it is recommended that the developer participate in any areawide transportation improvement fund or future transportation assessment district formed in the area for areawide improvements. Improvements at Seventh Street and Ashby Avenue would fit into this category.

Response to Comment 20

Please see supplemental Transportation analysis above (Tables 7, 9a, 9b, 9c, 10a, 10b, 11 and 20 and Figures 22, 27a, and 27b) for analysis of impacts of project and revised cumulative project list on I-80 and the interchanges at University and Ashby Avenues.

Response to Comment 21

Please see supplemental Transportation analysis above for analysis of both AM and PM impacts on I-80 and the interchanges at University and Ashby Avenues. PM peak hour impacts were considered the worst case for the critical intersections in this analysis and therefore AM peak hour impacts were not analyzed.

ADDRESS ALL COMMUNICATIONS
TO THE COMMISSION

CALIFORNIA STATE BUILDING
SAN FRANCISCO, CA 94102
TELEPHONE: (415) 557-9884

T. S. Joe

AUG 1 1986

ZONING DIVISION

Public Utilities Commission

STATE OF CALIFORNIA

July 29, 1986

FILE NO. 183-1/EIR

Norma Wood
Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Dear Miss Wood:

This is in response to the City of Berkeley's draft Environmental Impact Report for the Aquatic Park Center (Durkee Site), SCH #86071501,

The staff has reviewed this document and it appears that certain items of concern to us have not been adequately addressed. The items of concern are:

1) Out of the 9 or 10 spur tracks on the site, how many are to be removed? How many and which tracks will remain? 22

2) Since some of these spurs are presently designated as "Exempt", is the City aware that if these designated "Exempt" spurs remain that a new reevaluation is necessary? That the "Exempt" designation from the provisions of Section 22452 of the California Vehicle Code may be lost? 23

3) The report states that a fence is to be installed along the railroad right-of-way to dissuade trespassers; however, the report does not indicate the length of the fence or the point of beginning and end. 24

4) Since a fence is to be installed, will it also serve as a noise barrier? What type and height is proposed? 25

5) Apparently, a traffic analysis was made for the major intersections within the area; was one made for the Ashby Avenue underpass (P.U.C. A-7.97-B)? Was a bicycle path considered in this analysis? In view of the general condition of the underpass, is it proposed to be improved, altered and/or changed? 26

6) The proposed Pedestrian Bridge shown in Figure 9 on Page 27 indicates the structure will be an open structure. Is the City aware that the staff would probably require that it be enclosed with wire mesh or a similiar material to deter and prevent juveniles/ individuals from throwing objects at trains? 27

We suggest that the above be addressed in this draft E.I.R., thereby eliminating the need of a supplemental document at a later date. As stated on Page 59 of the report, the Commission will have permit/decision authority over the proposed Pedestrian Bridge. Should the City require additional information, please contact the staff at the above address and telephone number.

Very truly yours,

DONALD R. CHEW, Supervisor
Transportation Projects Section
Railroad Operations & Safety Branch
Transportation Division

cc: Gil Kelley
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

Response to Comment 22

According to the project architect, all of the spur tracks on the site would be removed.

Response to Comment 23

Because no spur tracks would remain on the site, this question is not applicable to the proposed project.

Response to Comment 24

The detailed plans for the fence along the western boundary of the site have not yet been finalized, but would be reviewed by city staff and the Board of Adjustments prior to approval.

Response to Comment 25

Please see Response to Comment #24, above.

Response to Comment 26

Please see Mitigation Measure 15, page 101 (DEIR), where this issue is discussed.

Response to Comment 27

The pedestrian bridge which is shown in the site plans and elevation drawings of the project (DEIR, Figures 5,6,9 and 10) has been deleted from the project since the publication of the DEIR. This comment therefore no longer applies to the project.

of California

The Resources Agency of California

morandum

To: Ms. Norma Wood
State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

Date: July 22, 1986
File No. 2198.09

From: San Francisco Bay Regional Water Quality Control Board
1111 Jackson Street, Oakland 94607

Subject: Draft Environment Impack Report, SCH No. 86071501
Aquatic Park Center (Durkee Site), Berkeley, Alameda County

We have reviewed the subject Draft Environmental Impact Report, the following is the comment of this Regional Board regarding the proposed subject project:

Past usage of the proposed site may contain types of chemicals or materials that may posed a threat or may be classified as hazardous potential. The site closure plan and investigation must be coordinated with this office. 28

If you have any questions on these comments, please call me at 415/464-0803, or ATSS 8-561-0803.

Sincerely,

Kenneth Theisen
Hazardous Waste Section

Response to Comment 28

Comment noted. The project sponsor would be responsible for securing any necessary permits from the San Francisco Bay Regional Water Quality Control Board. (See also Response to Comment 1.)

City of Berkeley

Planning and Community Development Department
Zoning Division
Martin Luther King, Jr.
Civic Center Building
2180 Milvia Street
Berkeley, California 94704

(415) 644-6570

TTY (415) 644-6915

M E M O R A N D U M

August 21, 1986

TO: Members of the Board of Adjustments

FROM: Gil Kelley, Senior Planner for Environmental Review

SUBJECT: LANDMARKS PRESERVATION COMMISSION COMMENTS ON DURKEE EIR

At its regular meeting of August 18, 1986, the Landmarks Preservation Commission (LPC) made the following comments on the Draft EIR for the Aquatic Park Center (Durkee site) project. The first is a motion (unanimous approval) which sets forth the general finding of the Commission, and incorporates the specific comments which follow it.

General Finding

That, in addition to the specific comments made by Commissioners at the August 18, 1986 meeting (set forth below), the Landmark Preservation Commission finds the Draft EIR for this project inadequate, because it does not identify the effect of proposed demolitions on specific features of the site which define its historic, cultural and architectural value. These features include: the courtyard, smokestack, 810 Heinz building, and Experimental Kitchen. 29

Additionally, the Commission finds that the EIR does not provide adequate information on the effects of changes to the site, necessary to make the eventual findings for demolition requests under Section 3.24.260 (c)(2) of the Landmarks Preservation Ordinance. (copy attached) 30

Finally, the Commission shares the view expressed by the Berkeley Architectural Heritage Association in its letter of August 13, 1986 to the Board of Adjustments, that the sections of the EIR which treat historic, cultural and architectural issues be rewritten. Also, the Commission strongly endorses the letter sent by Commissioner Joe Marsh, dated August 13, 1986, to the Board of Adjustments. 31

Specific Comments:

- Why aren't other design scenarios considered in the EIR's evaluation of impacts? There are 5 structures; the impacts of conserving or demolishing various combinations should be examined. 32

- The project's relation to the Copra building should be evaluated, in terms of both design and use, including future uses of the Copra building. 33

- The alternative discussion should be expanded to more fully discuss the impacts of the alternatives, rather than simply posing them as options. 34

- The effect of keeping the 810 Heinz and Experimental Kitchen buildings should be evaluated. 35

- An explanation of why some buildings are deemed worth retaining and others not, is needed. 36

- The EIR should recognize that the courtyard is an historically important feature of the site. 37

- The EIR does not provide the information necessary for the LPC to make informed judgements about the demolitions and new development under local law (Landmarks Preservation Ordinance). The local issues should not be sidestepped by saying that the site does not qualify under National or State standards. What are the specific impacts of taking these structure down? 38

- The EIR should state whether adverse impacts can be avoided, and if not, why. 39

- The EIR should recognize that beyond architectural merit, the site has historic and cultural value now, as it functions now (and in recent history). 40

- In the initial scoping session, the consultants cited 3 issues which were to be addressed in the EIR, whic were not adequately addressed in the Draft EIR: 41

  - How valuable is the existing smokestack to the landmark status of the site?

  - What on-site buildings merit preservation?

  - How compatible would the project's structures be with the streetscape, and the surrounding buildings.

- The EIR should take the specific portions of the site and discuss each, e.g. how they are contributed to, or detracted from, by the proposed new development. For instance, the Durkee building - how is it enhanced or not enhanced by the new features? 42

- The impacts or importance of landscaping should be examined. 43

- In our motion to landmark the site, the role of open space on the site played a very important part. How will this be changed? How will the feel of the spaces be changed? 44

- Under our Ordinance and under CEQA we must balance economic interests and other environmental considerations. On the basis of the present EIR we have no idea whether the impacts would be mitigated or whether a finding of "overriding considerations" will be required. There are no facts as to whether a certain plan might mitigate the losses to the site (demolitions and in filling), or whether the other benefits of the project (jobs, etc.) are to make up for these losses. 45

- Are there feasibility reasons why there is no better proposal than tearing down 3 of the buildings? 46

- The document has not given credence to the reasons why we landmarked the site. This is necessary before impacts can be assessed. The landmarking of the site represented a response to the concern of the community, not just of the Landmarks Commissioners. 47

- The EIR should recognize that the site is large enough to accommodate everyone's desires: preservation, new construction, uncovering of the creek, etc. These are not necessarily trade-offs against one another. 48

- The document must analyze the spacial and visual effects of altering the present features of the site. For instance, by removing 810 Heinz, what is done to the streetscape, how will the Durkee and Copra buildings there fit into context. 49

Attachments

- Excerpt Chapter 3.24 B.M.C.
- Letter to Board of Adjustment
  from Commissioner Marsh

Excerpt: LANDMARKS PRESERVATION ORDINANCE

Chapter 3.24 Berkeley Municipal Code
Pages 14 & 15

3.24.260 Permit Application--Review Standards and Criteria.

A. The commission shall be guided by the standards in this section its review of permit applications for work on a landmark site, or in an historic district or on a structure of merit site. In appraising the effects and relationships mentioned herein, the commission shall in all cases consider the architectural style, appearance, arrangement, height, design, texture, materials, color and appurtenances and such other facts as may be relevant.

B. In all instances, the proposed work shall be as appropriate for and as consistent with the pruposes of this chapter as is possible within the peculiar circumstances of the owner of the property and preservation or enhancement of the characteristics and particular features specified in the designation.

C. Approval of permit applications pursuant to this section may be granted only upon determination that the proposal conforms to the criteria set forth in subdivisions 1 and 2 below:

2. For permit applications for demolition: The commission shall find that the designated landmark, historic district or structure of merit or portion thereof is in such condition that it is not feasible to preserve or restore it, taking into consideration the economic feasibility of alternatives to the proposal, and balancing the interest of the public in preserving the designated landmark, historic district or structure of merit or portion thereof and the interest of the owner of the landmark site, historic district or structure of merit site in its utilization.

Response to Comment 29

Please see The Site's Landmark Status above (p. 5).

Response to Comment 30

Comment noted. In requesting from the EIR consultants information which would allow findings regarding the feasibility of structural demolition, the LPC is evidently asking for detailed financial data on the project. The EIR consultants believe that the EIR is not the appropriate fact-finding instrument for questions of the project's financial feasibility or the financial feasibility of potential design or use alternatives. As part of the discussion between the Office of Economic Development and the applicant, some financial information may have been provided which would be helpful, but the EIR consultants are not aware of specific materials. The LPC may wish to consider the financial feasibility of the project at its hearing on the request for a demolition permit by seeking input from both the applicant and city's Office of Economic Development

A framework for looking at design alternatives is presented above (pp. 6-8).

Response to Comment 31

Please see The Site's Landmark Status, (p. 5).

Response to Comment 32

The DEIR includes analysis of two scenarios designed by the project sponsor and three alternatives (including a preservation alternative, a restricted land use alternative and the no project alternative). These five alternatives collectively reflect an adequate range of conditions for the purpose of assessing a variety of potential environmental effects. As is more completely discussed in the supplemental analysis above, an EIR cannot be an exhaustive design study.

Furthermore, the persisting wide disagreement among members of the public, members of the LPC and Board of Adjustments and city staff as to the relative costs and benefits of demolishing/retaining various structures suggests that a common basis for reaching objective non-judgmental conclusions regarding these issues is lacking.

Response to Comment 33

According to the project sponsor and project architect, every attempt has been made to acquire and incorporate the Garr (Copra) Building (see Figure 18, Photo 4, p. 39, DEIR) into the proposed project. Failing in these attempts the project sponsor has designed a project which excludes this property. However, as part of the response to recommended mitigation measures, the developer has moved the new west office building and expanded the garage, which have the effect of visually incorporating the Garr Building into the site's cluster of buildings.

At present, there is no known intent to change either the design or use of this structure by its owners.

Response to Comment 34

The long-time designation and historical use of this site as light industrial/ manufacturing suggested the appropriateness of looking at alternatives like the two design/use alternatives shown in the DEIR. The DEIR explains that some environmental topics would be equally of concern under virtually any development proposal at the site. Other environmental impacts are analyzed at a level of detail consistent with their selection as alternatives for a CEQA document (see pages 142-145).

For the reason stated above (see Response to Comment #32), it is the EIR consultant's judgment that the textual discussion of the potential design impacts of the project and potential alternatives has gone as far as it can to contribute to the resolution of these issues. The supplemental analysis above provides a framework for the LPC to use in its deliberations.

Response to Comment 35

The DEIR addresses two effects of retaining the Utility Buildings. On page 142, the concern over remedial actions to reduce health hazards from the transite in the buildings is discussed. On page 56, it can be inferred that the EIR authors do not believe retention of these buildings would allow a better re-creation of the previously existing courtyard.

Response to Comment 36

Combining the descriptive information provided in the Historic Setting (pp. 31-35, DEIR) and the photographs of the site with the analytical sections on Historic and Architectural Resources Impacts (pp. 55-56) and Site Plan and Urban Design Impacts (pp. 56-57) substantiates the professional evaluation by Mr. Gray Brechin, Architectural Historian, that the Durkee Building, and in this context perhaps the Spice Building, is worth retaining.

Using accepted historic preservation criteria (whether a building/site is unique or unusual, how old it is, how good an example it is, and whether a building contributes to an integrated site), other structures onsite do not meet non-local preservation criteria.

Response to Comment 37

Comment noted. The EIR authors agree that the courtyard was an historically important element of the site and it is described as such on page 46. However, as explained in the DEIR (p. 56), demolition of the Winterizing Building (completed prior to the start of analysis undertaken for the EIR):

> ...effectively weakened the sense of enclosure of the loading area, or courtyard, on the eastern portion of the site. The courtyard, which once served as a central meeting place for the community of people living and working on the Durkee site, has been substantially eliminated and the large spaces which remain on the site have dramatically altered its appearance.

Revisions to the project as described in this FEIR include an attempt to revive the feeling of a courtyard where the previous one existed.

Response to Comment 38

Under the revised project plans, two buildings (810 Heinz and the Experimental Kitchen, sometimes referred to collectively as the Utility Buildings) would be subject to demolition. Other onsite structures including the Durkee Building, the Spice Building and the smokestack are proposed for retention.

It should be reiterated to the reader that EIRs do not provide advice with regard to legal matters. The responsibility for determining the consistency of an individual project with a city ordinance is the LPC's. The EIR has been prepared by professional consultants whose technical abilities and experience in environmental analysis have been brought to bear on this project. While not giving advice regarding the law, the EIR does provide the LPC with a full informational foundation on which to base its deliberations.

Response to Comment 39

Please see The Site's Landmark Status above (p. 5).

Response to Comment 40

The DEIR recognizes architectural merit in the Durkee Building. The industrial history of the site is well documented in the DEIR, both in the main text (pp. 31-33 and Figures 14 and 15) and in Appendix E (Application for Landmark Designation). The DEIR also provides a detailed description of the economic activities which occur onsite and among businesses in the southwest Berkeley community (see p. 46).

Response to Comment 41

A. The smokestack is proposed for retention in the revised project plans.

B. See Response to Comment #36.

C. The existing streetscape along Heinz Avenue as well as on Fifth Street, Potter Street, Anthony Street and Seventh Street, is heterogeneous in its setbacks, heights, building materials and land uses. Furthermore, it has been quite dynamic in recent years and will likely continue to evolve. For these reasons, and also because the project as shown in plans and elevations appears to offer a variety of structural types, it is the EIR consultants' judgment that the project is not fundamentally incompatible with the existing streetscape or visual setting.

Response to Comment 42

Consideration of issues such as urban design and historic preservation is important on a project such as this. However, the level of detail requested in this comment is both beyond that which would be useful in an EIR, and (as explained in Response to Comment #34) unlikely to help create consensus or clear impact findings on which all those with disparate opinions could agree. This is the point at which the EIR must be differentiated from the more detailed analysis and deliberations that would be required during permit hearings.

Response to Comment 43

The importance of landscaping selection is noted in the DEIR (p. 57). At the time of DEIR publication, a project landscape architect had only recently been selected. From the perspective of CEQA, it would be difficult to label a landscaping plan (versus another, or some variation thereof) as a Significant Adverse Impact. Consideration of landscaping is better addressed at the time the LPC considers demolition permits and the Board of Adjustments considers the project's Use Permit.

Response to Comment 44

The major open spaces on the site are shown in the revised site plan (p. 4). As shown there, the area between the proposed mixed-use buildings (lettered C and E) and the Durkee and Spice Buildings would be recreated as a courtyard, similar to the historic courtyard. The east/west linear open space would be a walkway of approximately fifty feet in width, with landscaping adjacent the structures. Other major open spaces on the site would serve as at-grade parking areas. These parking areas are shown with trees along their perimeter and in some of the intervening islands

Response to Comment 45

Please see The Site's Landmark Status above (p. 5).

Response to Comment 46

As noted in Response to Comment #38, two buildings are proposed for demolition under the revised project plans. It would be difficult to establish infeasibility definitively. However, it is known that rehab costs for structures of the type involved can be very high with resulting building quality and design nevertheless inferior to new construction.

Response to Comment 47

Comment noted. The DEIR describes in detail the history of the landmark designation process, provisions of the ordinance and the rationale underlying the LPC's decision to landmark the site (pp. 33-35). Also included (Appendix E) is the application for landmark designation, a seven-page memo on the subject. Furthermore, the DEIR explicitly describes the testimony of neighborhood residents at the LPC meeting as being "eloquent and convincing" (p. 35, DEIR).

Response to Comment 48

Comment noted. The revised project plans described above (pp. 2-4) present clear testimony of the gradual realization of this goal with regard to the great majority of persons who have an interest in the review of this project. On the other hand, it is evident that some refinements to the project or compromises among interests must await stages in project review beyond certification of an FEIR.

Response to Comment 49

Please see Responses to Comments #41-C and 42.

City of Berkeley

TRANSPORTATION COMMISSION
2180 MILVIA STREET, BERKELEY, CALIFORNIA 94704

(415) 644-6534

TO: Gil Kelly, Senior Planner

FROM: Miguel Iglesias, Acting Transportation Commission Secretary

SUBJECT: AQUATIC PARK CENTER PROJECT

The Transportation Commission, on their August 5, 1986 meeting, made the following comments on the Aquatic Park Center Project (Durkee Site) E.I.R:

- The projected levels of service at the critical intersections in the area (Table 10, p. 93) are unacceptably low, even considering the mitigation measures. As the E.I.R. shows the low level of service results not only from the Aquatic Park Center but mainly from other projects planned in the vicinity. 50

- This E.I.R. underestimates the traffic impact of this project by defining too narrowly the impacted area; this project, for instance, will have an effect in the already congested I-80 and Ashby corridors. 51

MI:tdw

Response to Comment 50

Traffic data used in the DEIR for the intersections of Seventh/Ashby and San Pablo/Ashby were based upon 1983 traffic count data supplied by the City of Berkeley. For the Final EIR, new counts were made in October 1986 at these intersections and have been used in the supplemental Transportation analysis above. Also, new recently published methodology for LOS analysis of signalized intersections based on the 1985 Highway Capacity Manual using average stopped vehicle delay times for analysis has been used in the supplemental analysis above to calculate the levels of service at the five critical intersections (see revised Tables 10a and 11).

Both the new counts and the new method, which incorporates more variables into the analysis, result in estimates of worse levels of service (more congestion).

Response to Comment 51

In order to consider up to date cumulative and wider reaching potential impacts, the study area for transportation analysis has been expanded to include additional near term as well as long term potential development projects in southwest Berkeley and nearby Emeryville. Also, traffic impacts on I-80 as well as the I-80/University and I-80/Ashby interchanges were included.

AUG 7 1986
ZONING DIVISION

August 7, 1986

Memo to: Planning Department, City of Berkeley
From:
Helen Rand **Parish**, 1845 Spruce, Berkeley 94709 (848-3188)
James W **Bradley**, 2255 Hearst #23, Berkeley 94709 (841-4210)

Subject: **Comments on DURKEE DRAFT EIR**



Adjoining toxic dump site?

The recurrence of a toxic ooze on the soil surface at the edge of the Durkee site (pp. 115-120), which does not correspond with any historical uses of the site, suggests that the problem may be coming from a nearby toxic dump (exact location unknown) which is known to have served industries in the Aquatic Park area. The historical leads about this dump that we and Betty Marvin of BAHA have put together would be available to Mundie and Associates. 52

Two alternative uses of Durkee site

1. Mixed use would avoid gentrification/housing impact, and Applicant seems favorable towards this less intensive use and yield. He is inclined (see p. 74) to provide additional live-work space for artists and craftspersons [now threatened by West Berkeley development] and has suggested the Project could house the Jewish Community Theatre and/or Shakespeare. Other innovative building arts projects -- such as the Owner-Builder Center, Solar Demonstration, etc. -- and arts related retail might be added to complete a profitable "arts center." 53

2. Innovative affordable housing. An architect could take advantage of the large site and existing buildings to design innovative affordable housing at moderate profit, supported by more-profitable needed retail facilities (e.g. grocery, laundry, pharmacy, etc.) With interest rates falling, <u>now</u> is the time for a pioneering affordable housing project. This would be antidote for the empty over-built office space syndrome that plagues the Bay Area. Given the excellence of the EIR, the imagination shown by its Scenario #2, and the solidity of Wareham Development -- already established in the neighborhood -- we think this would be a breakthrough for the <u>real</u> economic needs of Berkeley, while providing a steady return for the developer. 54

Compliments to Mundie and Associates!

This is the most readable and useable EIR from the City of Berkeley to date. Please commision this firm in the future.

Minor flaws in DEIR

Data on page 70 ignore that since 1980 Berkeley population is <u>growing</u> again (see Craig Whittam) and that vacancy is way below one percent. It is high land cost and not rent control that is the controling factor in not building rental housing. Only West Berkeley still has a chance for rental housing, but not if land values are pushed up. 55

HRP + JWB

Response to Comment 52

Detailed analyses of Soils and Geology, and specific Public Health Considerations, are provided in the DEIR. Also attached there as Appendix D are two memos prepared by Engineering-Science which summarize their findings prepared for the project sponsor in close consultation with the Toxic Substance Control Division, California Department of Health Services (DOHS).

Response to Comment 53

Project as revised represents a mixed use development. Inclusion of more live/work units could lessen the housing demand impact experienced, but not avoid it. As for the effect of more live/work units on the "gentrification" of the area, an increase in their units could result in greater numbers of young urban pioneers seeking space than those presently renting space in the Durkee Building or in other southwest Berkeley locations. Live/work units by definition represent a change in land use from the industrial/manufacturing past of the Durkee Site.

Response to Comment 54

It is important to remember that the site and surrounding parcels have been in the Manufacturing (M) zoning district for many years and that land uses in the area have developed on that basis. A variety of environmental characteristics of industrial districts exist in the area including the noise and truck traffic associated with manufacturing. Furthermore, the zoning ordinance and the city's Master Plan policy of limiting development in the M District to industrial and related commercial uses would seem at odds with this suggestion to develop a "pioneering affordable housing project".

Response to Comment 55

Comment noted.

AUG 11 1986
ZONING DIVISION

8 August 1986

Robert Reiter
800 Heinz St.
Berkeley, CA 94710
644-0614

Dear Mr. Kelley;

In this letter I will comment on the EIR for the *Aquatic Park Center Project (Durkee Site)-750 Heinz Street.* I have lived in Berkeley since 1975 and have occupied one of the live-in artist's work spaces in the Durkee Building since 1981. I am a photographer by trade and have my home, lab, studio and small gallery in a 2500 square foot space on the ground floor of the building.

As a resident of West Berkeley, I have witnessed the rapid changes taking place here over the last year and a half that have resulted in such developments as the Parker Plaza complex and the initial construction and conversion of buildings in the Aquatic Park Center itself. The first page of the EIR makes an important point that I agree with from reading the remainder of the report and from watching the tactics and results of the developer's previous projects in this neighborhood. This project is inconsistent with the goal of preserving the unique character of Berkeley. At this point, I think it is incumbent upon those in charge of Berkeley's planning for land use to really decide if the city is at all interested in preserving its character or if such concerns are simply a sham to placate the citizens while rubber-stamping any project that comes across the table if it looks like enough fees will be collected to bolster the coffers. If this were any other city than Berkeley, I would be worried, but I think we are a progressive enough town that the mere possibility of making some money off of the deal is not the only consideration. 56

While the project is consistent with the goal of improving Berkeley's financial position, I believe that with the intense interest that has been shown in development in West Berkeley, surely there must be a way to preserve what is left of this neighborhood's "unique character" that will also be profitable to the city and any developer. I don't believe the city should see itself in the position of a pauper who must take the first plan offered for a project if it fails to meet an important goal of the Master Plan.

What we are trying to preserve as the character of our city has two aspects. The first is the architectural heritage that comes into question when redevelopment threatens old neighborhoods, and the second is the cultural flavor of the city that is laid on the

line when a massive influx of new businesses and people overwhelms the existing milieu.

I would like to address my comments primarily to the second of these concerns. In regards to the two proposals considered in the EIR, there seems to be little in the first to recommend its adoption and most of my comments are addressed to the second scenario. I believe these points should be enough to condemn the whole idea; pragmatically, I hope they can be taken into account as modifying factors if the proposed development goes forward.

As a tenant of the Durkee Building, I am foremost concerned with the project's impact on myself and the other tenants, particularly in the remaining live-work spaces. The EIR points out at the top of page 6 that protection for the tenants as a condition of granting the permits may be necessary. Since the developer's plans for us include doubling the rent and halving our space, for starters, I think the need for protection is obvious. He has also recently attempted to bill utility rates on the basis of square footage of the various spaces, which ignores the varying energy consumption patterns of the widely different occupants. Since the previous method, based on estimates of useage supplied by the occupants, has worked for the last three years with no complaint that I have heard, I can see this only as a tactic of harrassment against the live-in tenants who have been vocal in their objections to much of the developer's plans.

During any major construction on site, it will be impossible for us to conduct our businesses without serious interruption. I run a small custom photographic darkroom in my space and during the demolition of site buildings last year, the vibrations shook my enlarger so much that work was impossible much of the time. Noise and vibration, especially on our ground floor will be unbearable over the timetable projected for the project. The only solution, as stated in the EIR and recognized by the developer, is temporary relocation of the tenants. If such is the case, what protections can we expect? 57

As a self-employeed person with a small business built up over 11 years, I know the disruption to me and my clients that a temporary relocation can cause. Will I be reimbursed for loss of income during the actual relocation? Since my business relies on relatively easy access for my clients, such as I have at my present location, can I be assured that my relocation will be to a similar site? Since this is a live-in workspace, will the temporary space be also? If not, what housing arrangements and rent agreements will be made for the interim? For eleven years I have lived and worked from the same space (at different locations), and much of the success of my business stems from my 58

availibility to my clients during non-business hours. Any separation of live and work spaces will be a considerable inconvenience to my business. While the requirements I have for my darkroom are minimal, I have already spent money to build my present workspace to my needs. Will the developer assume the costs of any construction necessary in the temporary space? 59

I ask that these considerations be addressed specifically by the Planning Commission when considering this application, because I have no reason to trust that the developer will pay adequate attention to them if not required to.

Also of concern are the plans the developer has made for the Durkee Building to house a restaurant, as well as continuing its mixed use and his alleged support of continuing live-in workspaces. Through an intermediary, Jerry Carlin of the Berkeley Jewish Community Theater, I was apprised of the developer's desire to substantially reduce my 2500 square foot space by incorporating the back half of it as part of the restaurant. This area of my space is where the kitchen, bathroom and darkroom are. I invested $15,000 in construction costs for these improvements (done to code and with appropriate permits). It would be only fair that I should be reimbursed for these expenses should I not be allowed to keep that portion of my space. But I would prefer to keep my whole space, since I use it all in the various activities mentioned previously. The developer has stated that "artists want spaces of about 1200 s.f...", so ours are too big. Is it any wonder we do not trust our fates in the hands of someone who can make such a statement?

Frankly, the idea of a restaurant right next to a live-in space seems inappropriate in the first place. Would you want one on the other side of your bedroom wall? If it is allowed, it should be incumbent on the developer to install sufficient soundproofing to completely mask the noises generated. I can accept the daytime noise level as it has generally been in the last five years here, because that is to be expected in a mixed use building such as this, but part of the attraction of the Durkee Building as a *live-in* space was that it was quiet at night and on weekends.It is simple aggrandizement for a developer to make a show of offering live-in workspace if the surrounding environment is made so unpleasant as to be unattractive for anyone *to* live in. Initially, he even wanted to put the Berkeley Community Jewish Theater upstairs, directly over the remaining two live-in spaces. We support the idea of the Theater on the property, but feel relieved that since the initial proposal, it seems as if they will locate in the Spice Building, where access is easier and potential conflict with other tenants over noise will be resolved. 60 61

The *San Francisco Examiner* just this week ran a feature on our plight and points out how it mirrors what has happened to artists in that city as well as just across Ashby Avenue, in Emeryville. If we allow the same thing to happen here, no one can look back later and say they didn't realize what was happening.

Many of the other issues addressed in the EIR affect me simply as a citizen of Berkeley, specifically West Berkeley, with no particular bearing on my being a resident of the site in question.

One of the features that has characterized West Berkeley has been the diversity of the business located here. Many "start-up" companies have gotten their start here, and most of the small business here are made up of Berkeley residents. Encouraging the influx of upscale employers of the kind that are likely to be able to afford the rents asked by present developers can only serve to increase the homgenization of the workforce here and lead to a lessening of low-end jobs that can provide training for the unskilled labor market. As the EIR points out, few entry level jobs will be provided by this project. It is not just artists and craftsmen who will suffer by the shift in values that developments such as this are a precursor of. If the business already occupying the completed parts of the *Aquatic Park Center* are typical of what we can expect, then it is obvious that a major shift in the composition of West Berkeley will be ensue. I do not believe such a shift is necessarily bad, only that it definitely goes against the "unique character of Berkeley", a goal which the City has stated it is interested in preserving, and with which I heartily agree. 62

The issue of the impact of this project on the general housing market in Berkeley is raised, and found to be negative. Although the numbers are not large, the trend is clear: this project, like others sure to follow, lead to a tightening of the already serious shortage of housing in our city by attracting new people while not providing any increase in the home supply. The Housing Mitigation Measures recommended in the EIR would seem to be appropriate. I might add that the development of the Durkee Building itself as a 100% artists'live-work space, at reasonable rents, would be a positive step in ameliorating the demonstrated adverse effects projects like this invariably have on the artists who currently occupy the old warehouses and buildings in West Berkeley. Invariably, a declining industrial neighborhood is renovated by artists, craftsman and small businesses and when the property values rise again, we are often booted out and our spaces rented at exorbitant rates to people who had nothing to do with the renovation. If the developer is uninterested in this, 63

perhaps the City could investigate the possibility of aiding interested artists in purchasing buildings like this themselves.

Traffic, always an emotional topic these days, is no less so in this circumstance. The Seventh Street corridor has become one of the major north-south thoroughfares in the city, and the situation is getting worse with every project like this. Much of the area adjacent to Seventh Street is residential, so the problems of increased traffic on this road and by-streets is more than just one of commuter rush hour congestion. Accident rates are bound to increase and the families of the neighborhoods suffer accordingly. The congestion at the Ashby and San Pablo Avenue intersection and Ashby and Seventh are already bad. As noted in the EIR, it is unlikey that the latter intersection could accomodate the projected increases without substantial improvements and the likelihood of destruction of existing business for right-of-way acquisition. Where will the money for this come from? It is unlikely that fees from this project would even begin to cover such expenses, especially since, as pointed out on page 12 of the EIR, a general decline in the level of positive financial impact from the project will occur over time. 64 65

The EIR points to potential health and safety problems, perhaps the foremost of which is the opinion of two different engineering firms that the present soil is of insufficient strength for the proposed project. In general, I can only assume that the recommendations in the EIR on the mitigation of this and other health concerns are given top priority by the Planning Commission and I can see know reason why any but the most stringent of safeguards be incorporated in this and other developments. 66

In ending, I would like to summarize my feelings after reading the EIR as follows: I do not believe the project as proposed by the developer is in the best interest of the city, although it could be altered towards that goal. I have great concern that if the present tenants of the property are not protected through action of the city government, we cannot expect fair treatment by the developer. If the Berkeley is interested in preserving its identity as a city of diversity and creativity, projects like this can only dilute that identity. If they are actively encouraged through the actions of the city government, then I fear we all will lose and future generations will wonder why we allowed such things to happen.

Robert Reiter

Response to Comment 56

Comment agrees with DEIR, p. 54.

Response to Comment 57

Tenant protection issues are presently under discussion between the applicant and the Office of Economic Development.

Response to Comment 58

These questions relating to short-term impacts on one tenant's business during renovation of the Durkee Building may be appropriate at the Use Permit stage of project review but do not fall within the scope of this EIR. CEQA does not establish the need for tenant-by-tenant compensation, though city policy may address this situation.

Response to Comment 59

Comment noted. However, the issues raised do not relate to the DEIR. They are independent business decisions to be decided between the commentor and his landlord.

Response to Comment 60

The revised project is described above (pp. 2-4). Whether the proposed restaurant would be located adjacent to the commentor's rented space after the renovations are completed is not clear.

Response to Comment 61

Comment is accurate. The project sponsor now proposes to provide space for the Jewish Community Theatre in the renovated Spice Building.

Response to Comment 62

Comment disagrees with analysis presented in DEIR at pages 64-69, where the description of the existing employment pattern onsite (now that the truck wash facility has relocated) suggests that it is relatively homogeneous, with most businesses fitting into the commercial service and retail categories. On the other hand, the forecast project employment is described as including a much greater variety of occupational categories, ranging from professional/technical to sales/service and other (mainly craft workers, mechanics and other blue collar positions), as well as a increased number of total jobs.

The occupational forecast for Scenario Two suggests that over half of the new jobs created would be in occupations which typically have a large number of entry-level positions: clerical, sales/service and other.

Response to Comment 63

The City of Berkeley (through its Office of Economic Development) is formulating a housing mitigation program which is based on the employment and housing analysis presented in the DEIR and more detailed employment information provided by the project sponsor. Neither the funding level nor the precise way in which the mitigation payment would be used have been stipulated yet.

Response to Comment 64

Ashby and San Pablo Avenues are Major Streets, intended to carry high volumes of traffic and connecting districts within Berkeley and linking the city with other nearby cities. Seventh Street is designated in the City's Master Plan as a Collector Street, which carries traffic between activity centers, major streets and smaller local streets. The residential streets between Seventh Street, San Pablo and Ashby Avenues in the vicinity of the site are local streets which are intended primarily for residential and parking use by adjacent properties.

Whether the increased traffic volumes on Seventh Street resulting from the proposed project would result in changes in the rate of traffic accidents is an evaluation beyond the scope of this EIR. However, there is no reason to believe that a direct causal link exists between these two factors. A variety of other factors such as average vehicular speed, type of vehicles using the roads, level of signalization and signage, and the pattern of pedestrian flows all affect the rate at which accidents occur.

Response to Comment 65

As the supplemental analysis above (pp. 9-27) shows, there will be considerable traffic impacts in west Berkeley stemming from the overall levels of future development forecast for the area. As recommended in the mitigations, the Aquatic Park Center project plus the other projects in the area must be assessed appropriate fees and be subject to conditions of project approval to bring the transporation system into a more acceptable level of service than would otherwise be experienced.

Separate traffic mitigation payments will be made by the project sponsor to the City of Berkeley for a set of capital improvements based on the recommended mitigation measures on pages 98-101 of the DEIR. The amount of this funding will be specified prior to project approval.

Response to Comment 66

Comment noted.

THE BERKELEY ARCHITECTURAL HERITAGE ASSOCIATION

P.O. BOX 1137 MAIN POST OFFICE
BERKELEY, CALIFORNIA 94701
(415) 845-6591

TO: Berkeley Board of Adjustments, Acting Lead Agency, Durkee EIR

FROM: BAHA Board

SUBJECT: Response to Draft Environmental Impact Report, Durkee Site

The Berkeley Architectural Heritage Association is a twelve year old volunteer organization that works actively to preserve properties of historical architectural and cultural value to our city. BAHA has over 1,000 active members and is the largest volunteer organization in Berkeley. We work actively to ensure that only appropriate development, sensitive in design and scale, is built on or around the city's designated landmarks. We support the preservation of industrial properties which meet the criteria set forth in Berkeley's Landmark Preservation Ordinance.

The BAHA Board met August 2, 1986 in regular session, and having reviewed the Draft EIR for the Durkee Site, we must seriously question the adequacy of this document on several grounds.

We find that sections relating to Historic Preservation are wholly inadequate for the purposes of the California Environmental Quality Act. As stated in Article 1, Section 15002 F, the CEQA's purpose is to identify impacts, alter a project proposal to eliminate or lessen the impacts, or propose mitigation measures that would reduce the impacts, or to find that it is not feasible to do so. 67

Instead what has been prepared seems to be an effort to avoid serious discussion of the impacts of this proposed project, and to circumvent the applicable local law. The assertion "that the Durkee designation cannot be supported on State or National grounds" is not supported by any data in the document, nor is it relevant to CEQA. Using any criteria other than those contained in the Berkeley LPO, which is the applicable local law, is wholly inappropriate and could not, in our opinion or the opinion of our counsel, be legally supported. The Landmarks Preservation Ordinance has jurisdiction in law as applied to CEQA according to Chapter 6, Section 21174. 68 69

Furthermore, allowing the demolition of designated landmark structures when there are feasible methods to restore, enhance and perpetuate their use is a violation of the spirit of our local lpo in direct opposition to the stated land use goals in the City's Master Plan.

We might also point out the designation of the Durkee Site as a city landmark, using historic and cultural value to a community as a criterion, is in fact consistant with the State guidelines in CEQA for determining these significant effects a project might have. See CEQA Appendix G (J). 70

We also find that the grounds set forth on Page 56 are not based on the facts as we know them to be. 71

First, the statement that the site is not unique or unusual is contradicted on page 46, paragraph 1, "The study area's concentration of activities which are both diverse and economically interdependant give the neighborhood of the site a particular character that is unusual even in an urban setting like Berkeley." 72

Second, the designation application (cf. Appendix E #30) states clearly that the site has historical significance: " The vegetable oil company predecessor to Durkee on this site appears to have been one of the earliest industries to locate in this southern portion of West Berkeley. On 1903-1911 Sanborn maps, only one property, Golden West Drilling, "at SW 3rd and Grayson is mapped West of Sacramento Street from Dwight Way to Folger". 73

Third, the "better example" used as an illustration is a single building isolated by new construction and not surrounded by a cluster of buildings of various types used in this kind of factory.

Finally, the site possesses part of all the elements of what the Durkee factory once was. The Copra Warehouse at the west end of the site was for raw material off-loading and storage The boiler room smokestack was where raw material was reduced to unrefined oil. The production building for margarine and other products was located in the Durkee Building, as were the administrative offices. Other raw materials, such as spices and seasonings used in the manufacturing were housed in the Spice Warehouse. The research and new product development were located in the Experimental Kitchen and portions of 810 . The Plant maintenance shop occupied the rest of 810. 74

The integrity of this site is still intact and further demolitions would detract from it. 75

Another critical point that seems to be missing in this document is the fact that the industrial sections of many cities including West Berkeley have long been overlooked as valuable cultural, historical, and architectural resources of the city. 76

The citizens of Berkeley and their elected officials through public hearings and appeal processes clearly have recognized this and stated that the Durkee Site is such a valuable resource, and every effort should be made to preserve the important features of the site, namely 810 Heinz, the Experimental Kitchen, the courtyard, the Spice Warehouse, the Durkee Building, Copra Warehouse and the smokestack. (See LPC Staff Supplemental Report on Durkee Site Designation, Sept. 18, 1985) 77

As the proposed demolition of any of these structures or areas would have significant impact, an alteration of the plan to include them would be required; or specific mitigations of the impacts; or specific findings that alterations in the plan or mitigations were not feasible. 78

No such alterations, mitigations or findings appear in the discussions of the proposed plan in either Scenario 1 or 2. The mitigations proposed do not appear to relate at all to the structures and features of the site. If a financial mitigation is to be required, the money could be put to better use by preserving or restoring the structures that presently exist on the site. 79

Restoration of a creek in the middle of an industrial historical site is a worthy goal, but would appear impractical in this case. 80

We have been advised by Wareham Properties that "Scenario One" is no longer under consideration and there are to be substantial changes in the proposed "Scenario Two" as to the design, location, set backs, parking, and facade treatment of the east industrial building (810). So the final project scenario has yet to be determined. 81

We can see no rationale for the elimination of the smokestack in Scenario 2 or Alternative A as the building placement is essentially the same as in Scenario 1. We feel this is an avoidable impact in any scenario or alternative and that the smokestack preservation should be included in the final project plan. 82

We can see no apparent rationale for the demolition of 810 Heinz or the Experimental Kitchen, as our studies indicate that it is feasible to restore them. There is no data to prove infeasibility. 83

The BAHA Board strongly urges the Board of Adjustments acting as the lead agency on the Durkee EIR

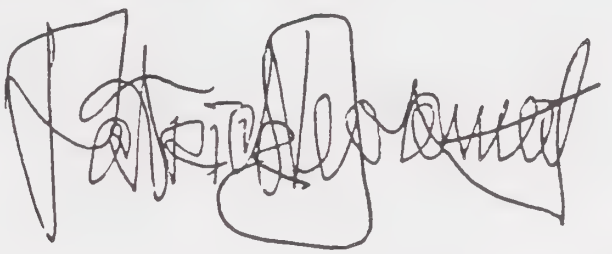
1. to extend the time period of public review and comments on the Draft EIR, as we have many members who have expressed their wish to respond, but the time allowed is insufficient, and

2. that the sections of the EIR relating to the impacts and mitigations of this project on historical, cultural, and architectural grounds be stricken, reevaluated and rewritten with the issue of retention of all existing land-

mark features described in the LPO Supplementary Report as the primary goal, including discussions of (a) alternatives that maintain all existing landmark structures, and (b) mitigations that avoid or substantially reduce the impact of specific demolitions proposed,

3. to suspend all proceedings of this environmental review until a completed final application is submitted by the developer, and

4. that these comments and recommendations be made a part of the final EIR.



Response to Comment 67

Subsequent to the Draft EIR, a supplemental discussion of the site's landmark status (found above on pp. 7-8) was prepared. That supplemental discussion is intended to address the comments made in this letter from the Berkeley Architectural Heritage Association (BAHA). It is the strong belief of the EIR authors that this supplemental material goes well beyond the requirements of CEQA on a issue such as this.

Where the entire BAHA comment is covered by the supplemental work, the reader is directed there. Additional specific responses are provided below in the case of some comments.

The CEQA law requires the environmental document to identify impacts and to present mitigation measures to lessen or eliminate the impacts where this can feasibly be accomplished. In the case of the site's landmark status, one of the major arguments made by some, though not all, of the local advocates of preserving the site in the status quo, has been that no mitigations are available to adequately mitigate changes to the site over the existing condition. The professional judgment of the authors of this report is that this is not true: the mitigations listed in the supplemental analysis do sufficiently reduce project impacts. However, if they do not, then the result would simply be that any remaining impacts are not mitigatable.

Response to Comment 68

The authors of the EIR disagree with this comment. The absence of state or national merit in the designation of the Durkee Site is thoroughly and clearly presented in the DEIR (p. 56). The question of whether state or national criteria are relevant to CEQA is a different question and one which is addressed in the supplemental materials above. In no case has the local law been circumvented.

Response to Comment 69

Please see The Site's Landmark Status above (p. 5).

Response to Comment 70

Please see The Site's Landmark Status above (p. 5).

Response to Comment 71

Comment noted. The authors of the DEIR continue to believe that the factual situation (as well as the application of state and national criteria and professional evaluation by Mr. Brechin) described on page 56 are accurate.

Response to Comment 72

The statement on page 56 that the site is not "unique or even unusual" refers to the site itself (including its buildings, its open spaces and the economic activities which take place thereon). The reference on page 46 is clearly to the study area (shown in Figure 2, p. 15, DEIR) which is over 35 times as large as the site itself. The study area is characterized by a network of seemingly interconnected economic activities, which makes it unusual. As stated in the DEIR, the characteristics of the Durkee site are similar to those found at other industrial properties with frontage along the railroad right-of-way throughout the East Bay.

Response to Comment 73

Please see The Site's Landmark Status above (p. 5).

Response to Comment 74

Please see The Site's Landmark Status above (p. 5).

Response to Comment 75

Please see The Site's Landmark Status above (p. 5).

Response to Comment 76

Comment noted. However, an EIR is not intended to be an advocacy document for "cultural, historical and architectural resources." This EIR presents a factual description of the history of west Berkeley and of the Durkee site on pages 31-33 with illustrations (the two archive photographs, Figures 14 and 15).

Response to Comment 77

Scenario Two as shown in the DEIR (see Figure 6, p. 25) would preserve the Durkee and Spice Buildings. The Garr (Copra) Building is not part of the proposed project; any development there would be subject to environmental review and project approval by appropriate agencies.

Chapter VII (DEIR, pp. 139-145) presents alternatives to the proposed project. Alternative A, the Maximum Structural Preservation Alternative, considers reconfiguring the site so as to preserve all of the structural elements cited in Comment 77.

The revised project plans as submitted to the city (after publication of the DEIR) propose the preservation of the smokestack and the creation of a paved courtyard at the east end of the site between the Durkee and Spice Buildings.

Response to Comment 78

Please see The Site's Landmark Status above (p. 5).

Response to Comment 79

Please see The Site's Landmark Status above (p. 5) for additional potential mitigation measures which could be required of the revised project. The authors disagree with the comment that a monetary contribution to preservation of meritorious sites or structures found elsewhere in Berkeley would necessarily be less effective than preserving structures onsite. The amount of such a mitigation payment and the target to which it would be applied are policy decisions for elected and appointed decision-makers to address.

Response to Comment 80

Comment noted.

Response to Comment 81

The project under consideration in this Final EIR includes the characteristics described above (under the heading of Revised Project). It should be noted that revisions to the plans for a complex mixed-use project during the development review process are to be expected. Only in the case of significant changes which would result in environmental impacts of a more severe nature would an additional interation of CEQA analysis be required. In the present case, the project revisions stem primarily from the DEIR's recommended mitigation measures and therefore generally represent a lessened level of impact.

Response to Comment 82

The revised proposed project includes the retention of the smokestack.

Response to Comment 83

The EIR consultants are not aware of any studies prepared by BAHA which analyze the structural and health impacts of retaining or demolishing either of these two buildings. The project sponsor and project architects believe that retaining the buildings would require special care for the health reasons stated in the DEIR and because their configuration would constrict the parking and circulation plans.

The revised project more clearly shows how the design would recreate a courtyard feeling where the old courtyard was and how the developer plans to place chairs for performances on the Spice Building loading dock which would be modified for use as a stage.

Memorandum

August 12, 1986
TO: Gil Kelley
FROM: Matt Tomes, Associate Planner for West Berkeley Area Plan
SUBJECT: Comments on the Durkee Draft EIR

Attached is a Statement of Overall Vision and Goals that has been drafted by the West Berkley Area Plan Committee. As part of the West Berkeley Area Plan, this brief policy statement is intended to give general guidance to new physical development in West Berkeley. As the Area Plan is not yet completed, this draft policy statement can be used as a broad statement of the community's expectations for West Berkeley. 84

Following are comments regarding planning areas of interest specific to West Berkeley and planning activities currently underway. In addition, these comments support all recommended mitigation measures.

Parking and Circulation as Related to the Site Plan -

Page 97/98 - "Forecasting the likely demand for parking at the project on the basis of the individual uses proposed results in a finding that, without mitigations demand would exceed supply...the parking demand for a typical development like Scenario One or Two would be on the order of 402-410 spaces during 'business hours'...The proposed project would provide 255 or 272 spaces, respectively, resulting in a forecast deficit of 130-147 spaces...Expansion of the parking garage as designed could provide up to 45 spaces per additional level."

It is clear that the proposed number of parking spaces will be insufficient to handle the forecasted project demand. The project satisfies current parking requirements of the "M" zoning district, 2 spaces/1000 square feet of new

construction. However, it must be realized that these parking regulations have been adopted on an interim basis until the Area Plan can be completed. Assuming that no additional parking will be provided, the identified 130-147 extra cars would seek parking on near-by city streets, thus contributing to an already congested area. It would be desirable if the project could provide additional parking based on land use and square footage to accomodate the forecasted demand of 402-410 spaces. 85

Not considering the parking provided by the the new parking garage, the majority of on-site parking is located on the west side of the site, near the new office building "D" and "F" repectively (See figures 5 & 6). Realizing that most of structures are located on the opposite side of the site, this may deter visitors into using off-site parking ie: on-street parking. Furthermore, it is not identified in the EIR if visitors will be required to pay for the use of the new parking strucure. If this is so, this would increase the liklihood that visitors would seek off-site parking. Although the new parking garage is centrally located on the site, the physical access to this structure from the northwest makes usage more cumbersome to those visitors having destinations on the west side of the site. This inconvienence would be increased in scenario two since all of the retail space is located on the west side. As proposed, there exists only 17 parking spaces provided on the west side in scenario two and none in scenario one. 86 87

Additionally, the provision of 138 parking spaces on the west side of the site is disproportionate. With the majority of non-parking related space (74,000 sf and 74,500 sf respectively) located on the western portion of the site, it would seem reasonable if a proportionate amount of parking was also provided here.

Furthermore, assuming that many of these trips will be made by employees of the project, a net increase of long term parking will occur. Assuming that some of these commuters will look to on-street parking opportunities, this could significantly decrease short term parking opportunities in the immediate area. Noting the commercial and retail nature of the surrounding uses and related average daily traffic levels would be a strong argument supporting the need to provide more on-site parking.

With the completion of the Area Plan, the City will be in a position to recommend changes to the current zoning. Until that time, it would be highly desirable if all new projects could completely mitigate expected parking demand. It seems feasible that with modifications to the proposed site plans, additional parking could be provided, either through the creation of additional parking facilities or by decreasing the amount of square footage of new construction.

In addition to those transportation mitigation measures recommended by the EIR, additional efforts should be taken to develop TSM (transportation system management) programs that would address employees' needs for long term parking. Furthermore, a coordinated effort could be initiated by project tenants to develop a carpool program; likewise, a similar van-pool program might be developed to provided shuttle service to the North Berkeley Bart station; providing discounted public transit fares for employees for AC Transit and BART service may be another option that can be used.

88

Building Size and Scale -

There have been comments that the proposed project follows a "typical campus industrial" design. After reviewing the two proposed site plans, much of the new construction, epecially in scenario one, calls for the development of three large buildings ranging from 38,000 sq. ft (1 bldg.) to 50,000 sq. ft. (2 bldgs.) Scenario two calls for the construction of four new buildings ranging from 18,000 sf (2 bldgs.), 38,000 sf (1 bldg.) and 50,000+ sf (1 bldg.). The exisiting Durkee Building is a two-story, 24,000 sf structure (12,000 sf footprint) and the exisitng Spice building is a one-story, 9,000 sf sturcture.

In general, much if the proposed new construction, in terms of bulk and building size would be consistent with the traditional designs of older manufacturing and industrial structures. In scenario one, the proposed uses for new construction will be mainly office use. Building "B" would be able to house the entire complex within one structure, as would building "D".

Discussions have taken place at the Area Plan Committee level regarding the

"texture" of the exisiting West Berkeley building stock. One of the committee members, a local developer, stated that 10,000 sf buildings is an appropriate sized structure for West Berkeley. This sized structure would, in general, be consistent with existing buildings and would help preserve the area's distinct physical urban fabric. Although there exists no specific urban design standards for new development to follow in West Berkeley, newly hired, Design Review staff could greatly help in the design of new buildings. 89

One possibility is the creation of one and two story buildings of 10,000-15,000 sf that would be used in a cluster designed site plan. By breaking up the new, large buildings, much of the "bulkiness" could be eliminated. Furthermore, by using smaller structures, perhaps a more innovative circulation and parking plan could be developed that would both improve access and increase on-site parking. In both scenarios, new office buildings "D" and "F" could be redesigned to bring it out of its somewhat isolated location on the northwest corner of the site as well a redistribute the 138 parking spaces located on the western side of the site. 90

Of final note, is the possibility of creating additional levels to the proposed parking structure. As is, the parking garage would have to be increased by 2-3 levels to mitigate the forecast deficit; in effect this would create a total of 4-5 levels when these additions are completed. Although this option is a possibility, efforts should be taken to ensure the height and bulk of this structure remains consistent with existing buildings, epecially those existing structures on adjacent parcels south of the site. It is hoped that building design will consider the Overall Vision and Goal statment regarding new physical development. 91

General -

This draft EIR does not consider the current project proposed for 1020 Heinz Street, a warehouse to office conversion of approximately 54,000 sq. ft. The potential circulation and traffic impects of this project merit further study and should be included in the overall analysis in the next version of the Durkee EIR. 92

Housing and Employment -

The draft EIR indicates that there exists no program to address the housing impacts of the project. It simply states that the City is currently working on a housing mitigation program that considers the possibility of the applicant making an in lieu fee for the construction of BMR (below market rate) housing or the possibility of the sponsor directly providing BMR housing units.

Understanding that much of available land in Berkeley has been developed, the housing mitigation program should identify where these housing units will be located. Although West Berkeley presents some housing opportunities, the land needed for the identified 80 housing units that would be affected would require a large parcel or many smaller parcels. Scattered housing site development would then be an alternative. The housing mitigation program should consider these constraints. It would seem wise if a housing mitigation were developed before additional activity is allowed. 93

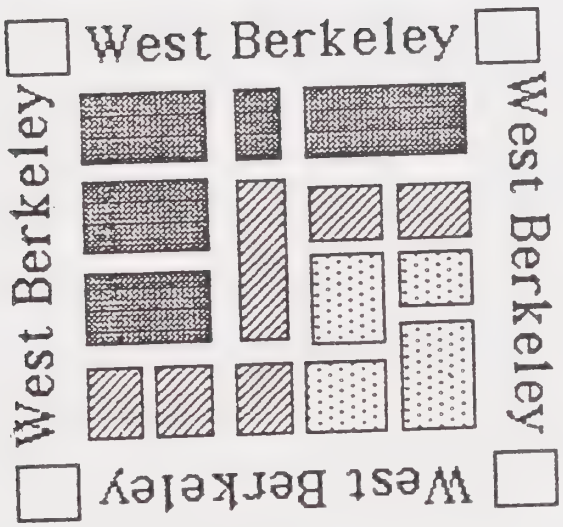
Next, the draft EIR reveals that there is no policy or hiring program that would ensure jobs for Berkeley residents. Staff would like to see the development and adoption of a "first source" hiring program. Perhaps an aggressive effort or policy commitment to this type of program could be used as a bargaining chip by both the City and applicant to use to ensure the successful completion of the project. Furthermore, hiring policies and job training programs should follow those statements found in the Overall Vision and Goals statement. 94

Finally, in its Housing Impact analysis section, the draft EIR uses 38%, pg. 68, (the average percentage of the Berkeley workforce who live in Berkeley, 1980 Census) as the figure to formulate the 80 or 100 households that would be impacted if the project was to be completed under either of the two development scenarios discussed. Although it is impossible to determine the present adequacy of this statistic without a lengthy and costly data collection study, this would dictate the need to use a broader range in the analysis. 95

Considering a worser case scenario is justified in this situation because of the circumstances surrounding the project: namely the lack of a completed housing 96

mitigation program and lack of a first source hiring program. It seems the amount of households impacted/displaced could indeed be greater. Furthermore, because the nature of a statistical mean takes into account numerical extremes, it seems logical for the analysis to do the same. By so doing, the analysis would be more comprehensive since it would be considering a range rather than one value based on 1980 Census information. By using a range of percentages, say +/- 5%, as the determining value of households affected, the validity of the analysis is broadened.

Overall Vision and Goals



- OVERVIEW -

Since the last general plan update in 1977, much has occurred in West Berkeley. Although the residential areas have stabilized, the larger manufacturing zone seems to be in a state of transition. Because of the importance of this zone, any significant changes taking place here will raise issues of concern for the immediate area and overall City.

In the recent past, it is clear that the economic base of this area has changed. Industrial and manufacturing activities were clearly the donimant use of the land. However, this base has slowly eroded, taking with it jobs and revenues for the City and its residents. Much of the space previously occupied by these industrial and maunufacturing activities remains vacant. The resulting increase in available space provides an attractive and affordable supply of space for other uses such as retail, commercial and office activities. These higher trip generating uses have compounded parking and circulation problems throughout the area.An additional concern arises from the current development proposals targeted for the City's waterfront area, located on the west side of the Bayshore freeway. Waterfront development could increase an already worsening situation.

Because of its convenient location, West Berkeley will continue to attract various business interests. Because of this, the Area Plan Committee has identified several issues that will require increased attention in the Area Plan. The following list of comunity goals and expectations is intended to provide general direction for planning and guidance to future physical development.

- COMMUNITY GOALS AND EXPECTATIONS -

General

1) Mitigate circulation and traffic problems.
2) Encourage energy conservation efforts.
3) Develop and adopt appropriate design standards.

Residential

1) Preserve the ethnic diversity of the population.
2) Increase affordable housing opportunities for all income levels.
3) Preserve and enhance neighborhoods and residential structures.
4) Increase densities when appropriate to encourage affordable housing opportunities.
5) Increase and enhance open space and park & recreation opportunities for residents.
6) Improve accessibility to Acquatic Park.

Live/Work

1) Promote live/work opportunities.
2) Protect existing live/work space.
3) Encourage ownership opportunities for live/work tenants.

Industrial & Commercial

1) Promote West Berkeley as an attractive place for business to locate through the establishment of clear zoning and development guidelines, policies, and plans.

2) Maintain and foster a diverse economic base.

3) Provide work opportunities for residents.

4) Increase business revenues for the City.

5) Provide opportunities for growth of incubator businesses and newly established industries.

6) Identify specific areas most suitable for industrial, manufacturing and other commercial related activities.

7) Explore and utilize opportunities for coordination between the University of California and West Berkeley businesses and encourage University related research and development businesses.

8) Encourage industry and businesses that provide entry level jobs and development training opportunities.

- A VISION OF WEST BERKELEY-

Attempting to portray a scenario of what West Berkeley will become in the short- or long-term future cannot be made without some degree of uncertainty. To be sure, whatever is to become reality in the future will contain elements of the past and present. For the planning of West Berkeley, certain themes have emerged.

As has been the historic pattern of land uses, West Berkeley will remain popular as the locational choice for many types of industrial and commercial businesses, and for those low- and moderate-income households entering the housing market. The challenge here will be to maintain a pattern of appropriate and compatible land uses.

Preserving those unique social characteristics of the population has always been a policy valued by the City and this continues to be a priority in West Berkeley. Furthermore, the people in West Berkeley care about the community in which they live and work; finally, the realization of this neighborhood plan will help improve the quality of life for the citizens in this historic part of Berkeley.

Response to Comment 84

The document represents the current thinking of the West Berkeley Area Plan Committee, and as noted therein, "can be used as a broad policy statement". However, it is relatively general in its directives and does not appear to represent much of a shift from the language which can be found in existing elements of the Berkeley Master Plan and the Economic Development Plan.

More importantly, any subtle changes set forth in the document do not yet represent official city policy; eventually, the objectives, programs, policies and any site-specific land use regulations would have to be considered by appointed and elected boards and adopted in an official city document after public review and hearings.

Response to Comment 85

Revisions to the proposed project (including additional onsite parking) are described on pages 2 to 4 above, in the revised Transportation section.

Response to Comment 86

In the opinion of the EIR transportation consultant, the onsite parking is not located too far away from the buildings generating the demand for spaces. In the event that onsite employees abuse the use of nearby on-street parking, time limits may have to be placed on the on-street parking spaces.

Response to Comment 87

The DEIR provides a method for monitoring the parking provided to determine if added parking spaces are required (Mitigation Measure 12, p. 100). See also Response to Comment #86.

Response to Comment 88

Mitigation Measures 12, 13 and 14 (pp. 100-101, DEIR) address potential TSM program elements which could be included in the conditions of project approval.

The second bulleted item under Mitigation Measure 16 (p. 101, DEIR), recommends the inclusion of preferential parking for car- and vanpools, a means of accommodating employees' needs for long term parking consistent with encouraging a TSM program.

Response to Comment 89

Comment noted.

Response to Comment 90

The authors of the EIR have not prepared design alternatives beyond those evaluated in Chapter VII, pages 139-145, DEIR. However, the use of a greater number of smaller structures would more than likely result in greater constraints on the provision of onsite parking spaces.

Response to Comment 91

The revised parking garage would include 2 floors and 3 levels of parking in a one-way sloping design (the top level of parking would be rooftop parking). Other than the broad goals of "Mitigate circulation and traffic problems" and "Develop and adopt appropriate design standards", there is nothing in the *Overall Vision and Goals* to guide the design of the project.

Response to Comment 92

The proposed conversion of 54,000 square feet of light industrial/manufacturing space to office uses at the Berkeley Business Center has been included in the expanded cumulative analysis presented above on pages 22 to 29 as well as the revised traffic analysis above on pages 9 to 21. Other potential, proposed, planned or approved projects which have come to the city's attention since preparation of the DEIR in March through May of 1986 are also listed there and included in the analysis.

Response to Comment 93

Whether the city implements a housing mitigation plan which actually takes responsibility for developing new housing (as opposed to countering the adverse impacts of increased housing demand in other ways), when it is implemented and where the units would be located is clearly well beyond the scope of the present EIR.

The Office of Economic Development is presently developing the city's approach to housing mitigation based on the analysis presented in the DEIR.

Response to Comment 94

The Assistant to the City Manager for Economic Development and his staff are designing a local hiring program for the proposed project as recommended in the DEIR on page 69.

Response to Comment 95

The EIR authors disagree with this comment. The multiple assumptions and estimates used throughout the employment and housing analysis presented in the DEIR represent the best professional judgments of the authors based on the most current information available. Because of the nature of any forecasting exercise, a "lengthy and costly data collection study" would not lead to any greater accuracy. One can never know until after the fact whether a proposed project in a given environmental context will turn out like other similar projects used when analyzing it. The ranges used and results produced in the DEIR are clearly adequate from a CEQA perspective, however.

Response to Comment 96

Consideration of a "worser" [sic] case scenario through simply broadening the number of households to be affected by the project by five percent (plus or minus) would not increase the validity of the analysis. The authors do not disagree with the statement that "the amount of households impacted/displaced could indeed be greater"; it could be greater or it could be lesser, but the range provided in the DEIR is our forecast.

August 13, 1986

To: Gil Kelley, Planning and Community Development
City of Berkeley

TO THE BOARD
AUG 13 1986

From: Betsey Strange
Durkee Site

Subject: Response on Draft EIR for the Durkee Site

I.Site Plan:

As I understand Scenario 1 is no longer under consideration, Ifeel that scenario 2 is applicable for comment. I believe with the following stipulations, Scenario 2 could be workable:

1.Re-creation of the court yard with NO parking in it(parking lot out front of 800 & 810 Heinz, as it is presently) 97

2.Rehabilitation of 810 Heinz and Experientmental Kitchen OR the recreation of the "Foot print" 0f 810 Heinz and Experimental Kitchen under Landmarks Commission design review would be appropriate.

3.Smokestack kept intact.

II. Development on the site:

98
It should be noted that 3 small businesses on the site have been forced to relocate. D&L Motors, Grainassance, & The Spectator. I believe it would be appropriate that effort should be made for other small businesses be on the site to keep the "mixed use" that has historically been in W.Berkeley.

III: Live/Work tenants on the site:

[Please note that today 8/12/86, we (John Shea & myself) met with developers, our lawyer their lawyers, and we have made an attempt to negotiate a settlement of our space. I believe we are all acting in good faith with this negotiation attempt.]

99
It should be noted that there has already been a reduction of one-half of the original tenants that were once live/work (Kahn/Sparagana & Pettigrew/Grandpierre). These two spaces should be reinstated under residential rent control or some settlement should be made about the lost spaces.

We hope that the rest of the spaces that are live/work will be covered under rent control or some settlement can be reached.

IV Transportation:

I disagree with the report on the Traffic impact report, as it is my observation that traffic on 7th and 7th and Ashby, AShby & San Pablo, is already nearing, if not already at "Grid Lock" during am and pm "rush hours". The construction of this project would exasperate this problem. If the project is approved, I believe all measures should be taken to alleviate this problem. My suggestions would be: 100

IV continued:

1.Traffic control of some kind on 7th & Heinz intersection to let out all employees off the site and on to it.

2.Ashby & 7th : arrows for turning to alleviate both rapid speed off the freeway and safety for making turns, at present it is a dangerous situation.

3.Pedestrian protection at 7th & Ashby: This is again, a very dangerous intersection for pedestrians because of the speed of the cars coming off the freeway and dangerous turns being made by cars-due to the congestions. Some type of better protection shoul be made for pedestrians.

V Hazards:

101

It is a concern that because of the toxic substances that have been unearthed and demolished that these will continue to be a hazard to the tenants and the neighborhoo at large.

I suggest that all precautions should be taken and MONITORED REGULARLY by the City to insure safety.

VI: Landmarks Designation:

I believe it is an error to judge the Durkee Site by national or state standards 102
We are not concerned with State or National Standards but by CITY STANDARDS.

103

After all the hearings and appeals, I believe that this should not NOW be an issue. IT HAS ALREADY BEEN DECIDED.

I believe it should be kept with the Landmarks Commisssion review where it would receive due process by CITY Commissioners working under the CITY ORDINANCE.

VII: Housing:

104

To reiterate the EIR's finding that the demands for 80-100 households would result from the proposed project, I believe that this is espicially alarming for W.Berkeley, and would make the neighborhoood very vulnerable to a tremendous impact that it is not able to cope with. I believe that every possible measure should be taken to keep this from happening.

VIII: Archaelogical consideration:

105

Per page 160, I believe that the site should be inspected by an unbiased expert, to determine if there is any archaelogical considerations that should be protected before c onstruction begins.

IX: Employment:

106

Since W.Berkeley is primarily a blue/collar and working class neighborhood I believe that every effort should be made for the placement of neighborhood workers into the jo on the site including: 1. job training 2.job recruitement 3.child care 4.youth jobs.

X Conclusion:

I believe Scenario 2 would have an impact on the community of W.Berkeley. Unfortunately, W.Berkeley is under tremendous pressure from outside sources. The community is a fragile one and is indeed in need of the City's protection.

I believe that the development should be humane and should preserve concepts such as:
1.Open space
2.a quality of life
3. gradual growth vs. rapid growth
4.stablization of existing industries/tenants/businesses/artists/crafts etc.
5.maintain a safe and neighborly character
6.diversity of all aspects of life

Response to Comment 97

Comments noted. Changes in the proposed project (including discussion of each of these recommendations) are described above on pages 2 through 4.

Response to Comment 98

Comment noted. The project sponsor and project architects have prepared sketchs of the internal layout of the Durkee building and are discussing the spatial needs of existing tenants and potential location of these tenants in the renovated building. However, the issues involving particular tenants remain outside the scope of this EIR.

Response to Comment 99

Comment does not require a response under CEQA. The applicability of the residential unit preservation ordinance and the city's rent control law is a question which is being addressed outside of the CEQA process. A final determination is pending.

Response to Comment 100

Comment noted. The revised transportation analysis is found above on pages 9 to 21 where recommended mitigation measures address the underlying concern noted in each of the three points raised in this comment.

According to the supplemental analysis, Seventh Street is approaching saturation and will be saturated with the development of projects planned within the next five years. In the recommended mitigation measures, near term actions for improvement of Seventh Street are discussed. The need for areawide improvements caused by the potential development of the long term cumulative projects is also discussed.

Response to Comment 101

See Comment and Response #1.

Response to Comment 102

Please see The Site's Landmark Status above (p. 5).

Response to Comment 103

Please see The Site's Landmark Status above (p. 5).

Response to Comment 104

Comment noted. Recommended mitigation measures for forecast housing impacts are presented on pages 74-75, DEIR. The Office of Economic Development is presently developing the city's approach to housing mitigation based on the DEIR analysis.

Response to Comment 105

Please see the supplemental Archeology analysis above, (p. 30).

Response to Comment 106

Comment noted. Please see response to comment #96.

To: Berkeley Board of Adjustments
Acting Lead Agency, Durkee EIR

August 13, 1985

From: Joe Marsh, Landmarks Preservation Commissioner

Re: Draft Environmental Impact Report, Durkee Site

As a member of the Landmarks Preservation Commission, who will be asked to evaluate the Durkee Project on it's impact to the historical site, I personally cannot take the draft EIR seriously. In a series of public hearings last year, the Landmarks Preservation Commission gave landmark status to the Durkee site. This decision was later upheld by the City Council when appealed. I can only take these actions to mean that the citizens of Berkeley see this site as having local historical significance, and would like to preserve it if possible. 107

I understand from reading the California Environmental Quality Act that the job of the EIR writer is firstly, after identifying negative environmental impacts, to propose alternatives to the project which would avoid or lesson those negative impacts. Finally, if there are no alternatives to avoid negative impacts they should show why.

This report side steps that whole process by showing that when viewed under broader definitions than Berkeley's, the site is not historically significant. Berkeley's Landmark Preservation Ordinance was set up so that people of this City could use local standards to evaluate historical significance. CEQA further states that local laws shall be taken into account and take precedence over broader laws. This report dismisses the significance of the local ordinance and the actions taken under it.

I urge you, as I will urge my fellow Commission members, to request a rewrite of the section of the EIR regarding historical significance taking into account the local ordinance and the action taken under it without questioning those actions. Whether or not the site is truly historically significant is the decision of the Landmarks Preservation Commission. Alternatives to the single site plan remaining should be proposed; or, reasons why the one proposal is the only possibility should be set forth.

I will not vote for approval of any action until the EIR is rewitten.

Joe Marsh

cc: Honorable Mayor and City Councilmembers
Landmarks Preservation Commission

Response to Comment 107

Comment noted. Please see The Site's Landmark Status above (p. 5) and the response to comment #67.

SYBASE

Board of Adjustments
City of Berkeley

Dear Sir/Madam,

I am co-founder of Sybase, a computer software firm located in Berkeley. We are a startup experiencing very rapid and successful growth having expanded from 1 to 50 people in less than 2 years. I am also a Berkeley resident and have lived in the Berkeley-Albany area since starting as a freshman at Cal in 1970 - thus I have had a long time to observe and participate in Berkeley City Government. 108

I would very much like to see the business I started continue to stay within the City of Berkeley and continue a mutually beneficial relationship. Recent actions between the Warham group, my landlord, and the various governing bodies of the City of Berkeley have made me very nervous. My concern is the lack of an organized process for encouraging and/or discouraging business development in the City of Berkeley. If the City would like to encourage service businesses such as mine which employs large numbers of people with minimum demand on city services, it must have a rational way to encourage the development of new and renovated office structures.

I originally was interested in the South-West Berkeley area because the land was relatively unused, it would not conflict with residential development, and the area as a whole would benefit from land improvement. I didn't imagine that the City would disagree. Yet in the last 18 months attempts to improve some of the land have been stalled. You must be in a position to either tell people yes or no - not just to delay indefinitely. By the end of 1987, Sybase expects to have 90 employees and will be out of office space. I have no confidence that it will be possible to construct a larger building to house the company within the City of Berkeley. While Emeryville is only two blocks away, I would like to work with the Board and continue to remain in Berkeley in a mutually desired location. I urge the Board to quickly develop a rational process which will allow businesses and developers to work with the City, otherwise, the City of Berkeley will needlessly continue to lose desirable jobs and revenue while land remains idle and useless. In such a situation, no one gains.

Robert Epstein

Dr. Robert Epstein
Executive Vice President

11400 Rockville Pike
Suite 750
Rockville, MD 20852

Response to Comment 108

Comments noted. No response necessary.

August 25, 1986

AUG 25 1986
ZONING DIVISION

AUG 27 1986

TO: BERKELEY BOARD OF ADJUSTMENTS, LEAD AGENCY, DURKEE E.I.R.

FROM: MAARS STEERING COMMITTEE
Merchants, Artisans, Artists and Residents of SW Berkeley

Our comments on the Draft Environmental Impact Report for the Durkee Project are as follows:

Traffic and parking

The traffic considerations do not seem adequate. Although the site will accomodate 300 cars, there is no plan as to how to move this larger number of commute vehicles in and out during peak rush hours, One suggestion maghbebe to add a signal light at Heinz & Seventh. This would not interrupt through traffic on Seventh St. if it were timed properly with the signals at Anthony & Seventh and Ashby, and would allow traffic to flow out of the west office building onto Seventh to the left or right and onto San Pablo via Heinz. 109

We would also suggest that a comprehensive traffic study be done which includes a circulation study of the proposed conversion of the Heinz Building (60,000 sq. ft. of offices), the Whole Earth Access buildings (100,000 sq. ft. of retail), Parker Plaza (160,000 sq. ft. offices), AIRCO-Temescal (160,000 sq. ft. industrial and offices), and the Durkee Site project (120,000 sq. ft. mixed use). 110

The cumulative effect of these projects, some proposed and others completed, are having a tremendous impact on traffic in the area. This Draft EIR lists other projects in the area but does not attempt to address the cumulative impacts these projects will have nor suggest mitigations. 111

Another suggestion might be to coordinate the working hours so that buildings using the same streets as feeders into Ashby and San Pablo empty at staggered intervals. 112

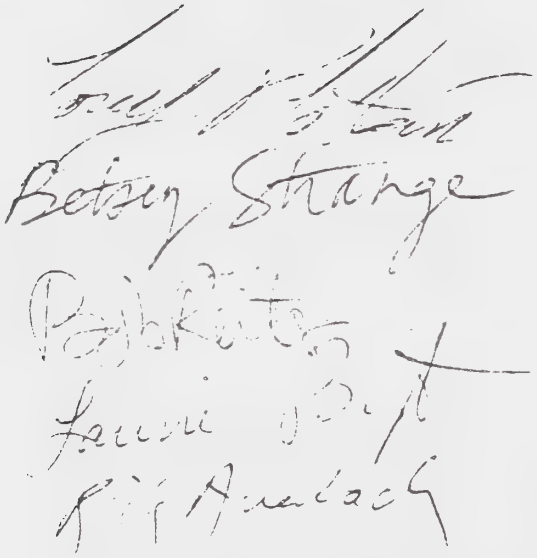
The EIR does not address the cumulative impact of the above-mentioned projects on the residential sections of this 25 block area. There are by most recent count 175 residences in the area. 113

MAARS supports the idea of developing more live-work space on the site, specifically in the Durkee Building. This would also mitigate somewhat the net housing impacts of this project. 114

We believe that this project and all other projects underway or proposed in this study area should be coordinated with land use goals in the city's Master Plan and in the West Berkeley Area Planning Committee's "Land Use Elements". To the extent that this Plan is inconsistent with these goals, it should be altered to comply. 115

More mixed uses and diverse architectural styles need to be incorporated into the plan. 116

MAARS STEERING COMMITTEE



Response to Comment 109

The traffic mitigation measures recommend that the intersection of Seventh/Anthony be signalized. It further recommends that project traffic exit via Fifth Street to Anthony, and then on to the intersection. Signalization of this intersection should provide greater ease of movement than at the unsignalized intersection of Seventh/Heinz thereby attracting in and out traffic to the alternative route suggested. An exception to this flow would be southbound traffic on Seventh turning tight onto Heinz and then into one of the project parking lots or the garage.

The supplemental cumulative project impact analysis indicates that with other planned development, a signal will also be required at the intersection of Seventh/Heinz within the next five years. When this signal is installed, is could also serve project traffic.

Response to Comment 110

The supplemental analysis presented above includes several potential development projects in southwest Berkeley and Emeryville which were not included in the DEIR (C-6 through C-11). The transportation analysis includes projected traffic from all of these developments and recommends mitigation measures as appropriate. In addition to considering an increased number of projects, the supplemental analysis evaluates the effects of these projects on segments of I-80 and the freeway ramps at University and Ashby Avenues.

As recommended in the supplemental analysis, the City of Berkeley should undertake a comprehensive traffic study of southwest Berkeley once the probabilities of actual development on each of the sites becomes clearer.

Response to Comment 111

The DEIR and supplemental analysis clearly forecast intersection levels of service in the D and E range at specified intersections. Buildout of space allowable under the Berkeley Waterfront Plan and the Emeryville Bayfront Plan would worsen these levels considerably. Rather than have a relatively small project (see Table 20, p. 135, DEIR for project share of total traffic generated at critical intersections) responsible for correcting large-scale roadway inadequacies, the City should undertake a comprehensive traffic study of southwest Berkeley.

Response to Comment 112

Securing flextime agreements from companies at the proposed project would be one potential means of shifting a small portion of the peak traffic demand at critical intersections to other times of day. However, the levels of service forecast are severe enough that this method alone would have only a minor effect.

Response to Comment 113

The DEIR discusses the potential impact of the proposed project on housing demand in Berkeley and suggests that the relatively inexpensive housing stock in west Berkeley continues to be a prime target of new in-migrants to the city. Other impacts such as noise, air quality and traffic would impact residences just as they would commercial and industrial uses.

Response to Comment 114

Comment noted. Inclusion of additional live/work units in the Durkee Building could mitigate some of the housing impacts of the proposed project, though a very small portion. The Office of Economic Development is presently refining the city's approach to housing mitigation based on the analysis presented in the DEIR.

Response to Comment 115

Pages 49-52 and 54, DEIR, discuss the various land use goals and policies relevant to review of the proposed project. Please see Comment and Response #84 in regard to the present status of the West Berkeley Area Planning Committee's work.

Response to Comment 116

Comment noted. Modifications to the project based on this comment and others of a similar nature can be found in the Project Revisions section above (pp. 2-4)

LYNN TURNER
QUICKSILVER POTTERY
2547 8th STREET, STUDIO U
BERKELEY, CALIFORNIA 94710
(415) 549-0588

AUG 28 1986

TO THE BOARD

AUG 26 1986

25 August 1986

Board of Adjustments
City of Berkeley
2180 Milvia Strect
Berkeley, CA 94704

Dear Sirs,

I wish to address the Durkee EIR report recently published.

The study made of the traffic on Ashby does not reflect the reality of the situation on 7th and Ashby and Ashby and San Pablo. I use the 7th street intersection once or twice daily. In the past few months with the completion of Aquatic Park Center and the expansion of the Whole Earth Access Center we have bad traffic jams. I routinely wait 2-3 lights before entering Ashby from 7th, or 7th fromAshby. There are some clear times, but there is heavy traffic 7 days a week. All of us in the neighborhood are aware of the conjestion, it is a popular subject of conversation. 117

With the completion of additional projects in the area the traffic situation will be out of hand. I am referring to the proposed Colgate development, the Heinz building conversion, the expansion ofWhole Earth, theDurkee development, the Emeryville Bay Center Office Park (and housing), in addition to the parking and traffic problems generated by new developments such as Parker Plaza further North. 118

At no time did I see any evidence of traffic counters on Ashby, there were never metering devices in the roadway. This report needs to be redone so that it adequately reflects the true situation. 119

Sincerely,

Lynn Turner

Lynn Turner

THE INCREASE FIRST BEGAN 1-2 YEARS AGO, IT IS NOW CRITICAL.

Response to Comment 117

Please see the supplemental Traffic analysis, above (p. 9).

Response to Comment 118

Comment agrees with DEIR. Please see Responses to Comment #111 for additional recommendation.

Response to Comment 119

Please see the supplemental Traffic analysis above (p. 9), which used new intersection traffic counts, taken to update the city's existing database.

PERSONS TESTIFYING AT THE PUBLIC HEARINGS

FIRST PUBLIC HEARING

Tamlin Bright read into the record the written comments of Joe Marsh (which appear herein as Comment and Response #107).

Comment 120 (Jerome Carlin)

The Jewish Community Theatre, which would be housed in the Spice Building, would be performing in a 200 seat theatre, not a 600 seat theatre as mentioned in the DEIR.

Response to Comment 120

Comment noted.

Comment 121 (Jerome Carlin)

The DEIR could have included a greater discussion of the positive benefits of retaining the Jewish Community Theatre in the local community.

Response to Comment 121

Comment noted.

Comment 122 (Jerome Carlin)

The developers (Wareham Development) are bearing the remodeling costs and are subsidizing the theatre with reduced rents.

Response to Comment 122

Comment noted.

Comment 123 (Jerome Carlin)

The delays in project approval are forcing the theatre to use a performance facility in San Francisco for the upcoming season.

Response to Comment 123

Comment noted.

Comment 124 (Susan Druding)

The existing intersection level of service designations listed in the DEIR for the intersections of Ashby/San Pablo and Ashby/Seventh Street are inconsistent with traffic congestion she has seen and recorded in recent months.

Response to Comment 124

The supplemental Transportation analysis includes the measurement of new traffic volume counts at these intersections and made use of the new counts in the forecast of future levels of service.

Comment 125 (Betsey Strange)

Agrees with earlier comment that the existing intersection level of service designations listed in the DEIR for the intersections of Ashby/San Pablo and Ashby/Seventh Street are too low.

Response to Comment 125

Please see Response to Comment #124.

Comment 126 (Betsey Strange)

National standards are inappropriate benchmarks against which to judge the landmark status of the site.

Response to Comment 126

Please see The Site's Landmark Status above (p. 5).

Comment 127 (Betsey Strange)

The environmental review should include additional archeological analysis.

Response to Comment 127

Please see the supplemental analysis of Archeology above (p. 30).

Comment 128 (Betsey Strange)

The list of cumulative projects should be expanded to include those projects which have been proposed in the interim between the time the majority of the DEIR was completed and the DEIR public hearing.

Response to Comment 128

The supplemental analysis of Cumulative issues has done so (p. 22).

Myrna Walton agrees with many of the comments set forth by Jerome Carlin (comments #120-123) and believes that help for non-profit theatres is needed. No response to these comments is necessary.

Comment 129 (John Shea)

Agrees with earlier comment that the existing intersection level of service designations listed in the DEIR for the intersections of Ashby/San Pablo and Ashby/Seventh Street are too low.

Response to Comment 129

Please see Response to Comment #124.

Comment 130 (Leslie Jones).

The DEIR does not describe the site well enough.

Response to Comment 130

The DEIR and Appendices include a wealth of material describing the site and its context: over 15 pages of text describing the physical, industrial and political history of the site, and the surrounding land uses found on adjacent blocks; two historic photographs; fourteen current photographs; one study area parcel-specific land use map; and one map listing every business in the 30-block larger study area.

The analysis of site and structual characteristics presented under the heading of Historic and Architectural Resources Impacts (p. 55 and 56) has resulted in no small amount of disagreement (see Comments 29-49 and 67-83), which have been addressed in the supplemental analysis above titled The Site's Landmark Status, but the authors firmly believe that the environmental setting of the proposed project has, if anything, been overdescribed.

Comment 131 (Leslie Jones)

The DEIR does not state impacts in a way which links specific impacts with mitigation measures.

Response to Comment 131

Please see The Site's Landmark Status above (p. 5).

Comment 132 (Leslie Jones)

The mitigation measure which recommends that the project utilize design elements which could help the buildings look more industrial does not sufficiently mitigate the project's impacts.

Response to Comment 132

Comment noted. Please see The Site's Landmark Status above (p. 5).

Comment 133 (Leslie Jones)

The mitigation measure suggesting that the applicant could contribute funding toward the preservation of an offsite historically significant structure or site is not enough of a step to mitigate the project's impacts.

Response to Comment 133

Comment noted. This mitigation was one of a number from which the LPC may decide to choose. The supplemental materials above provide suggestions for still other potential mitigations.

Comment 134 (Leslie Jones)

The Landmarks Preservation Commisssion (LPC) intended for development at the site to be consistent with the existing industrial fabric of these blocks of southwest Berkeley. "More nooks and crannies" are needed.

Response to Comment 134

Comment noted. Modifications to the project based on this comment and others of a similar nature can be found in the Project Revisions section above (pp. 2-4).

Comment 135 (Laurie Bright)

The onsite auto repair business (see Figure 18, Photo 3, p.38, DEIR) is being relocated to another structure in southwest Berkeley.

Response to Comment 135

Comment noted.

Comment 136 (Laurie Bright)

The CEQA process which has occurred to date in the case of the proposed project represents a good faith effort at compliance by all parties. A lot of dialogue has resulted.

Response to Comment 136

Comment noted.

Comment 137 (Laurie Bright)

The historic preservation impacts have not been adequately addressed.

Response to Comment 137

Please see The Site's Landmark Status above (p. 5).

Comment 138 (Laurie Bright)

Funding for any housing mitigation measures should be spent in west Berkeley only.

Response to Comment 138

The Office of Economic Development is presently refining the city's approach to housing mitigation based on the analysis presented in the DEIR. It may be possible for appointed and elected decisionmakers to enact a policy of targeting housing mitigation payments to specific neighborhoods, but such a recommendation falls outside the scope of CEQA.

Comment 139 (Laurie Bright)

The revisions to Scenario Two should include the retention of all live/work spaces in the Durkee Building.

Response to Comment 139

The project sponsor has commited to retaining four live/work spaces in the Durkee Building. Please also see Response to Comment #98.

Comment 140 (Laurie Bright)

Several potential development projects (with which the commentor is familiar) were omitted from the cumulative development in the DEIR.

Response to Comment 140

As presented above in the supplemental analysis of Cumulative impacts, a new expanded list of potential cumulative development projects has been prepared and impacts forecast on this basis.

Comment 141 (Mike Helm)

Traffic is his concern and his suggestion is that Heinz Street be used to allow access to San Pablo. There is less residential development along Heinz Street than Grayson on which he lives. Furthermore, could Heinz be designated as a reversible one-way street (e.g. one-way, say, east, in the morning, and the other way, west, in the evening)?

Response to Comment 141

The DEIR (pp. 98-101) and supplemental Transportation analysis above (pp. 9-22) recommend traffic improvements for the roadway network in the vicinity of the site.

Comment 142 (Jason Guy)

The DEIR left out any discussion of wildlife, specifically three owls which could be seen at the site as recently as May 1986.

Response to Comment 142

Comment noted. The initial study (Appendix A, p. 156, DEIR) prepared by city staff determined that no significant impact on animal life would result from approval of the proposed project.

Comment 143 (Ed Moore)

The DEIR is a good report as a whole.

Response to Comment 143

Comment noted, appreciatively.

Comment 144 (Ed Moore)

Aquatic Park is nearer the site than the 100 yards mentioned in the DEIR. When one considers the embankment running downhill from the railroad right-of-way, it is more like 100 feet away.

Response to Comment 144

At its nearest edge, just beyond the railroad tracks due west of the site, the Aquatic Park boundary may be as near as 100 feet. The boundary approximation of 100 yards used in the DEIR is inaccurate, though the grassy and pedestrian walkway portion of the park lies closer to 100 yards from the edge of the project site.

Comment 145 (Ed Moore)

The design of buildings and their inter-relationships in a project like this one are critical. Even the traffic patterns could be changed through more thoughtful design.

Response to Comment 145

Comment noted.

Comment 146 (Ed Moore)

In response to a question from Board of Adjustments member Sam Trosow, Mr. Moore said he did not believe that it was a shortcoming of the DEIR not to have examined a housing alternative. The site has been designated for industrial/manufacturing uses for a long time and the West Berkeley Area Plan Committee has agreed that this designation should continue.

Response to Comment 146

Comment is in agreement with the DEIR and is noted for the record.

Comment 147 (Ed Moore)

In response to a second question from Mr. Trosow, Mr. Moore reiterated his point that neither the staff nor the consultant can be faulted for not considering a residential land use alternative on the site.

Response to Comment 147

Comment noted.

Jane Edgington, representing the Berkeley Architectural Hertitage Association (BAHA), read into the hearing record the letter sent by the board of BAHA. That letter appears in its entirety above and has been designated as Comments and Responses #67-83. No separate response is necessary to the verbal recitation of the same comments at this hearing.

Comment 148 (Robert Reiter)

Traffic is his chief concern. Today's traffic is worse than described in the DEIR.

Response to Comment 148

Please see Response to Comment #124.

Comment 149 (Robert Reiter)

Because the Seventh Street corridor has few traffic signals, the south-bound morning traffic on Seventh Street [in the vicinity of the site] backs up for five blocks.

Response to Comment 149

Comment noted.

Comment 150 (Robert Reiter)

He approves of the recommendations in the DEIR regarding tenants in the Durkee Building. As a tenant in the building, he is in negotiations with the project sponsor regarding his future lease.

Response to Comment 150

No response necessary.

Comment 151 (Rick Auerbach)

Agrees with earlier comment that the existing intersection level of service designations listed in the DEIR for the intersections of Ashby/San Pablo and Ashby/Seventh Street are too low.

Response to Comment 151

Please see Response to Comment #124.

Comment 152 (Rick Auerbach)

Additional cumulative development projects which were not included in the DEIR were listed.

Response to Comment 152

These projects and others have been included in the supplemental Cumulative analysis (p. 9) and Transportation analysis (p. 22) above.

Comment 153 (Rick Auerbach)

The environmental review should include additional archeological analysis.

Response to Comment 153

Please see the supplemental analysis of Archeology above (p. 30).

Comment 154 (Rick Auerbach)

The FEIR should include a discussion of the West Berkeley Plan *Overall Vision and Goals* document. It is the opinion of the commentor that the proposed project is not consistent with the general direction provided in that document.

Response to Comment 154

Comment #91 also raises the question of the degree of specificity found in the draft West Berkeley Plan document as well as the standing which the draft currently enjoys. As noted in the Response to Comment #91, the draft has no official standing. For the EIR to use this working draft as an official element of the city's Master Plan would be inappropriate; it has a long way to go through the public review and adoption process before it attains the distinction of city policy. More importantly however, the *Overall Vision and Goals* document is insufficiently directive to be of value in evaluating a specific development project on the Durkee site.

Comment 155 (Rick Auerbach)

Housing on the site would result in positive mitigation of traffic impacts.

Response to Comment 155

Please see Comments and Responses #146 and #147.

Comment 156 (Rick Auerbach)

The Wareham projects (in Berkeley and in nearby areas of Emeryville) have a greater growth-inducing impact than that described in the DEIR.

Response to Comment 156

Two key characteristics of the study area lead the authors of the EIR to hold the opinion that growth-inducing effects of this project in and of itself would be relatively minor.

First, the development pressure presently being experienced in west Berkeley and in Emeryville has been under way for at least two to three years now and will exist for the indefinite future.

Second, the several large-scale approved projects and two areawide plans for development which focus on sites and districts in or adjacent to southwest Berkeley hold a growth-inducing potential hundreds of times as great as that of this mixed-use project.

In summary, development pressures in southwest Berkeley have occurred and will continue with or without the proposed project, and the individual effect of this project should not be noticeable. (Please see the supplemental analysis of Cumulative Impacts above for a discussion of the effects of all of the potential new development in southwest Berkeley on traffic and other environmental topic areas.)

Comment 157 (Roberto Barragan)

The DEIR does not reflect progress made by the West Berkeley Area Planning Committee. A goals document is now available.

Response to Comment 157

Please see Response to Comment #91.

Comment 158 (Roberto Barragan)

He is concerned about the fit of the proposed project in the M zoning district. Scenario Two is not completely consistent with the goals of the Area Planning Committee, but it does represent a good approach. He suggested that the city may wish to enact some form of interim controls on development to maintain mixed uses. Would like to see project proceed expeditiously.

Response to Comment 158

Comments noted.

Comment 159 (Roberto Barragan)

General comments about critical nature of traffic problems and questions about DEIR transportation section.

Response to Comment 159

Please see supplemental Transportation analysis above (p. 9).

Comment 160 (Phillip Friedman)

Read into record a letter from Mr. Robert Epstein (which appears above as Comment and Response #108.

Response to Comment 160

No response necessary.

Comment 161 (Darrell deTienne)

The project architect broadly described some of the changes which are proposed and reminded the audience and Board that several of the mechanisms for establishing specific mitigation measures for environmental impacts (e.g., traffic and housing) are not yet in place.

Response to Comment 161

Comments noted. No response necessary.

Comment 162 (Bob Sparks)

More time is necessary for adequate review of the project by Berkeley citizens. The Aquatic Park development represents the destruction of a neighborhood. The landmark designation was applied not because of tenants in the buildings but for historic and structural reasons.

Response to Comment 162

Comments noted. No response necessary.

Comment 163 (Zona Sage)

As attorney representing Durkee Building tenants in negotiations with project sponsor, she feels more attention should be given to the issue of displacement.

Response to Comment 163

Negotiations between represetatives of the tenants and the landlords are underway at this time, though formal agreement as to the facts or interpretation of legal issues has not yet been completed.

Comment 164 (Rena Rickels)

Wareham accepts the DEIR in general but has reservations about the employment and housing section. She has submitted a letter (see Appendix D) which argues for two reasons that the housing impact of the proposed project would not be as great as forecast in the DEIR. Several other general comments about the project itself (unrelated to the DEIR analysis) were also made.

Response to Comment 164

The projection of both employment and housing impacts is an art which is subject to empirical data, estimates of future conditions and many assumptions. The submitted materials make a case for a lower level of housing impact than that forecast in the DEIR. However, the DEIR's more conservative approach is more consistent with the letter and spirit of CEQA. This is particularly true given the uncertainty over tenant selection throughout the project.

Comment 165 (Rich Robbins)

General discussion of project and review process.

Response to Comment 165

No response necessary.

Comment 166 (Keith Cranberg)

Live/work space should be retained at the Durkee Site.

Response to Comment 166

No response necessary.

SECOND PUBLIC HEARING

Comment 167 (Leslie Jones)

Several comments regarding the adequacy of the DEIR section on Historic and Architectural Resources Impacts were reiterated.

Response to Comment 167

Please see supplemental analysis of The Site's Landmark Status (p. 5).

Comment 168 (Leslie Jones)

Several general comments involving the revisions to the project as set forth by the project architect and questions about whether they represent the "official" proposed project.

Response to Comment 168

The current proposed project, which includes refinements described at this public hearing, is set forth above under Project Revisions (pp. 2-4). It is likely that minor changes will continue to be incorporated into the project as a result of ongoing inputs from and negotiations among interested groups and individuals (see footnote 1, p. 1 above).

Comment 169 (Gil Kelley)

Mr. Kelley distributed the letter from MAARS to members of the Board.

Response to Comment 169

See Responses to Comments #109-116.

Comment 170 (Darrell deTienne)

Descriptive information regarding recent project revisions was presented.

Response to Comment 170

Please see Revised Project (pp. 2-4).

Comment 171 (Rick Auerbach)

There were four live/work spaces when Wareham Development purchased the site and there should be (at least) four once a new project is completed.

Response to Comment 171

Comment noted. No response necessary.

Comment 172 (Rick Auerbach)

The Berkeley Master Plan says future development should reinforce existing land uses. The "industrial/R&D/retail" designation proposed for some buildings in this project will simply gravitate toward pure R&D uses, not industrial uses.

Response to Comment 172

Comment noted. It is possible that this could happen. The Board of Adjustmentments may wish to exercise control over the wording of the subsequent use permit which would require a specified allocation of square footage to land use types.

Comment 173 (Leslie Jones)

The hope was expressed that the FEIR would address the "fact" that the neighborhood surrounding the site is becoming "monolithic" in its use and character.

Response to Comment 173

The authors of this report believe that the DEIR description (pp. 45-49, DEIR) of the land uses in the larger study area--which indicates a wide variety of uses in a heterogeneous building stock--is accurate. As described there and in Chapter V, Cumulative Impacts, development patterns are changing in southwest Berkeley and throughout nearby Emeryville. The pressures for development underlying these changes are caused by a variety of very complex factors, most of which are independent of the proposed project. The project, by including a variety of uses and by retaining older structures in addition to building newer ones, would help reinforce the existing variety in the area.

Comment 174 (Leslie Jones)

A comment was made that housing on the site would lead to benefits for the city. Housing would serve as a mitigation measure of sorts.

Response to Comment 174

Please see Comments and Responses #146 and #183.

Comment 175 (Laurie Bright)

The letter from BAHA was paraphrased.

Response to Comment 175

Please see Comments and Responses #67-83.

Comment 176 (Laurie Bright)

Board member Trosow asked Mr. Bright for examples of instances in which the DEIR is internally inconsistent and one example was noted (see Comment and Response #72, pp. 73 and 76).

Response to Comment 176

No additional response necessary.

Comment 177 (Laurie Bright)

Board member Trosow asked staff member Gil Kelley why it was that the DEIR focused more attention on state and national standards for its findings with regard to the landmark designation of the site, and less on the LPC's criteria which stem from the local landmark preservation ordinance.

Response to Comment 177

Mr. Kelley responded and the EIR consultants agree that a more thorough inclusion of the local criteria would be appropriate to include. Please see The Site's Landmark Status above (p. 5).

Comment 178 (Bob Sparks)

The smokestack no longer has its building surrounding it and the safety of workers in a new building there would be questionable.

Response to Comment 178

As part of the analysis prepared for the DEIR, Mundie & Associates engaged a structural engineering firm (GFDS Engineers, San Francisco) to review all of the onsite structures and evaluate the cost estimates prepared for Wareham Development with regard to retaining the smokestack and bracing it to withstand potential earthquake ground movement.

The conclusion of this independent analysis was that retention of the smokestack could be done as part of the project, but that it would be relatively costly. It would be the responsibility of the project sponsor to meet all local building and safety codes.

Comment 179 (Walt Milliken, Board of Adjustments)

The DEIR would have been better if it included an alternative maintaining the land uses as they historically have been.

Response to Comment 179

Please see Alternatives to the Proposed Project (pp. 139-145, DEIR) where "Alternative B: Maintaining or Expanding Live/Work Space and Retention of Other Existing Land Uses in Renovated Structures" attempts to achieve this objective.

Comment 180 (Walt Milliken, Board of Adjustments)

Some of the Caltrans concerns are also of concern to him.

Response to Comment 180

Please see Comments and Response #4-21 and the supplemental Transportation analysis above (p. 9).

Comment 181 (Walt Milliken, Board of Adjustments)

General comment in favor of childcare mitigation measure recommended in DEIR.

Response to Comment 181

Comment noted.

Comment 182 (Catherine Roha, Board of Adjustments)

The Final EIR sections addressing historic preservation should be presented for review prior to the Board meeting at which FEIR certification is scheduled.

Response to Comment 182

This FEIR is being circulated for thirty days prior to certification.

Comment 183 (Sam Trosow, Board of Adjustments)

Which alternative addresses the potential for additional housing at the site?

Response to Comment 183

Mr. Kelley responded (and the EIR consultants agree) that the site is inappropriate for significant levels of new housing development, other than live/work. The only area for significant housing onsite would be at the west end, which is inappropriate due to its proximity to the railroad (and associated noises). For these reasons, analysis of an alternative including additional onsite housing was not part of the original scope of services. Furthermore, no discussion of including a housing alternative was ever broached at the scoping sessions held on the project.

Comment 184 (David Taylor, Chairperson, Board of Adjustments)

Agrees with earlier comment that the existing intersection level of service designations listed in the DEIR for the intersections of Ashby/San Pablo and Ashby/Seventh Street are too low.

Response to Comment 184

Please see Response to Comment #124.

Comment 185 (David Taylor, Chairperson, Board of Adjustments)

The cumulative project list should be expanded to include the Emeryville project mentioned by an earlier speaker and any other potentially significant development projects.

Response to Comment 185

As noted in previous responses, the list of cumulative development projects has been expanded and takes into account in all of the supplemental analyses presented above. See supplemental analysis of Cumulative Impacts (p. 22) for expanded list and project characteristics.

CHAPTER IV

APPENDICES

LANDMARKS PRESERVATION COMMISSION

Martin Luther King, Jr.
Civic Center Building
2180 Milvia Street
Berkeley, CA 94704

Regular Meeting
August 18, 1986

MINUTES

I. ROLL CALL

Commissioners Present: Jones, Manning, Marsh, Scherer, Sparks, Stein Youngmeister

Absent: Kasin

Staff Present: Mark Paez

After the roll call, staff reported on the current Commission composition. First, it was announced that the appointment of Joe Marsh was official as he had filed all the necessary documents with the City Clerk. Secondly, staff disclosed that Commissioner Ehrenberger was allowed to maintain his appointment until such time as Commissioner Woodbridge is replaced. Staff concluded by stating that Richard Ehrenberger had yet to confirm whether or not he would continue to serve on the Commission.

II. APPROVAL OF MINUTES

The following correction was made to the July 21, 1986 minutes:

Item III.B - Tupper & Reed Building - the vote was corrected to list Sparks as a yes and to indicate that Commissioner Scherer was absent.

It was MSC (Jones/Marsh) to approve the July 21st corrected minutes. The Motion Passed: Unanimous; ABSENT: Kasin,

III. OLD BUSINESS (Continued from July 21, 1986 meeting)

A. Review of Draft Environmental Impact Report - Aquatic Park Center Project (Durkee Site).

Vice Chair Stein announced that he would chair the meeting on all matters related to the Durkee Project as Chair Youngmeister had stepped down from the Durkee Task Force permanently and the Commission temporarily when any discussions or deliberations regarding any aspect of this project are addressed by the Commission. Staff distributed a memorandum from the City Attorney on the issue of Youngmeister's possible conflict of interest should he be retained by the Wareham Group to provide architectural services. Chair Youngmeister distributed a letter to the Commission disclosing his status with regard to the Commission and the Durkee Task Force.

Prior to the discussion of the Environmental Impact Report (EIR), the Commission questioned staff as to the impetus for the August 4th letter from Chair Youngmeister regarding the status of the Durkee Project and the Landmarks Ordinance in general. Staff reported that Chair Youngmeister had received an inquiry from the Wareham Group for clarification of several provisions of the ordinance and the status of their demolition permits. Staff continued by stating that Youngmeister felt that the request warranted a letter and that they had jointly drafted the letter. Upon completion, the letter was sent to the City Attorney for review and comment and was determined to be accurate. Staff concluded by stating that it is not unusual for applicants/property owners to make inquiries about the limitations imposed when a building is landmarked and that a letter of this type seems appropriate in this case, given the complexity of the project and number of questions asked. The Commission identified several errors in the letter.

It was MSC (Jones/Sparks) to direct staff to prepare a draft letter for Commission review which would correct the assumptions and factual errors made in the LPC letter to Wareham properties dated August 4, 1986, prepared by Chairperson Youngmeister.

The Motion Passed: AYES: Jones, Manning, Marsh, Scherer, Sparks, Stein; NAY: - ; ABSTAIN: - ; ABSENT: Kasin.

Following the motion, staff introduced the matter, briefly outlining the project history and introduced Gil Kelley. Mr. Kelley, the City's Enviromental Planner, who is responsible for coordinating the preparation of the EIR, gave a presentation on the Commission's role in this enviromental review process.

The Commission is being asked to comment, either individually or collectively, on the accuracy, completeness and adequacy of the Draft. This document has also been made available to other boards and commissions, and to the general public for comment. All substantive comments will be responded to in the Final EIR.

The Board of Adjustments (Lead Agency for this project) is responsible for taking testimony on the Draft EIR and, eventually, for certifying the final EIR. All comments will be forwarded to the Board by August 8, 1986. The Board will also be holding a public hearing to take verbal comments (tentatively scheduled for August 13, 1986).

The role of the LPC in this environmental review process is one of review and comment. Under the California Environmental Quality Act, the Commission acts as a "responsible agency", that is one which may later be asked to act on the proposed project in some way, and which therefore has an interest in seeing that its concerns are addressed

in the EIR, but which is not the agency which takes the primary action on the project - in this case, the Board of Adjustments. No formal action on the EIR, other than to review and comment, is required of the LPC. However, because this is a designated landmark site, and because the Commission will later be asked to act on the development proposal, staff strongly recommends that Commissioners read and review this Draft EIR, and that the Commission forward its comments to the Board.

In reviewing and commenting on the Draft EIR, it is best to focus on the form accuracy, completeness, and adequacy of the environmental analysis presented, rather than on your feelings about the project itself. For instance, you might ask yourself, "Does the EIR adequately project the consequences of this proposed development, in terms of its compatibility with neighboring structures, or its potential to displace existing land uses?", rather than asking yourself, "Do I like this arrangement of uses within the site plan?", or "Is this what I would prefer, in terms of building materials?" The purpose of the EIR is to serve as an informational document which describes what environmental consequences would be likely to occur if the project, as proposed, were approved. Your full consideration of the merits of the project itself is reserved for consieration of the use permit application.

The EIR, once finalized and certified, does not constitute project approval. However, the discussion of mitigation measures and project alternatives can prove helpful, in subsequent discussions on the use permit request itself, in terms of the general changes which would need to be made to make the project acceptable. The EIR is prepared by consultants to the City, not by the applicant, and is therefore meant to be an objective, professional look at the project. Your comments on this Draft EIR will be helpful to them in preparing the final.

Although the review of the EIR was not a pubilc hearing the Commission heard testimony from Joan Collignon of Berkeley Architectural Heritage Association (BAHA) and Laurie Bright of the West Berkeley neighborhood group know as M.A.R.S. Joan read from an August 2nd letter from BAHA to the Board of Adjustments, which considered the EIR inadequate and requested that sections of the EIR be rewritten as well as to extend the public review period. Mr. Bright spoke briefly, expressing M.A.R.S. support for the Durkee Project.

Due to the lengthy discussion of the EIR, the Commissions comments have been summarized:

Why aren't other design scenarios considered in the EIR's evaluation of impacts? There are 5 structures; the impacts of conserving or demolishing various combinations should be examined.

The project's relation to the Copra building should be evaluated, in terms of both design and use, including future uses of the Copra building.

The alternative discussion should be expanded to more fully discuss the impacts of the alternatives, rather than simply posing them as options.

The effect of keeping the 810 Heinz and Experimental Kitchen buildings should be evaluated.

An explanation of why some buildngs are deemed worth retaining and others not, is needed.

The EIR should recognize theat the courtyard is an historically important feature of the site.

The EIR does not provide the information necessary for the LPC to make informed judgements about the demolitions and new development under local law (Landmarks Preservation Ordinance). The local issues should not be sidestepped by saying that the site does not qualify under National or State standards. What are the specific impacts of taking these structures down?

The EIR should state whether adverse impacts can be avoided, and if not, why.

The EIR should recognize that beyond architectural merit, the site has historic and cultural value now, as it functions now (and in recent history).

In the initial scoping session, the consultants cited 3 issues which were to be addressed in the EIR, which were not adequately addressed in the Draft EIR.

- How valuable is the existing smokestack to the landmark status of the site?
- What on-site buidlings merit preservation?
- How compatible would the project's structures be with the streetscape, and the surrounding buildings.

The EIR should take the specific portions of the site and discuss each, e.g. how they are contributed to, or detracted from, by the proposed new development. For instance, the Durkee building - how is it enhanced or not enhanced by the new features?

The impacts or importance of landscaping should be examined.

In our motion to landmark the site, the role of open space on the site played a very important part. How will this be changed? How will the feel of the spaces be changed?

Under our Ordinance and under CEQA we must balance economic interests and other environmental considerations. On the basis of the present EIR we have no idea whether the impacts would be mitigated or whether a finding of "overriding considerations" will be required. There are no facts as to whether a certain plan might mitigate the losses to the site (demolitions and in filling), or whether the other benefits of the project (jobs, etc.) are to make up for these losses.

Are there feasibility reasons why there is no better proposal than tearing down 3 of the buildings?

The document has not given credence to the reasons why we landmarked the site. This is necessary before impacts can be assessed. The landmarking of the site represented a response to the concern of the community, not just of the Landmarks Commissioners.

The EIR should recognize that the site is large enough to accommodate everyone's desires: preservation, new construction, uncovering of the creek, etc. These are not necessarily trade-offs against one another.

The document must analyze the spacial and visual effects of altering the present features of the site. For instance, by removing 810 Heinz, what is done to the streetscape, how will the Durkee and Copra buildings there fit into context.

Findings

It was MSC (Jones/Manning) that the Landmark Presevation Commission finds the Draft EIR for this project inadequate because it does not identify the effect of specific demolitions of features that define the historic architectural aspects of the site, including: the courtyard, smokestack, 810 Heinz building, the experimental kitchen and the loading dock. The Commission also finds the document inaequate int hat it does not provide information on the effects of changes to the site, necessary to make eventual findings for demolition requests under Section 3.24.260 of the Landmarks Preservation Ordinance.

Finally, the Commission shares the view expressed by the Berkeley Architectural Heritage Association in its letter of August 13, 1986 to the Board of Adjustments, that the sections of the EIR which treat historic, cultural and architectural issues be rewritten. Also, the Commission strongly endorses the letter sent by Commissioner Joe Marsh, dated August 13, 1986, to the Board of Adjustments. The Motion Passed: Unanimous; ABSENT: Kasin

Upon conclusion of the discussion, the Commission assigned Commissioner Marsh to the Durkee Task Force, as a replacement for Andrew Youngmeister and requested that staff apprise Neil Mayer of the appointment.

B. Design Review Ordinance - discussion

The Commission discussed whether or not it should take any action on this matter in light of the Council's adoption of the ordinance on July 2, 1986. The Commission expressed dissatisfaction with the results of the communication to Council regarding the inadequacies of the ordinance and the overall lack of consideration of their interests and concerns.

Chair Youngmeister suggested that the Commission monitor the design review ordinance and its implementation and to communicate the need for increased staff support for the LPC. It was decided that Commissioner Marsh would be responsible to follow any developments around this ordinance.

C. Delaware Street Historic District - common area improvements.

Staff announced that Willie Cook, the project developer, had agreed to meet with the Commission at a later date. Mr. Cook anticipated that he would be able to attend the September 15th Commission meeting.

D. Old City Hall Restoration Project - status report, staff.

Staff reported that Public Works anticipated beginning work on the Cupola and the Uplands Pavilions in October.

It was MSC (Jones/Scherer) to request that the Public Works Department present its proposed work for both of these buildings at the next regular Commission meeting, and to provide the Commission with all plans and specifications for these projects.

The Motion Passed: Unanimous; ABSENT: Kasin

F. Berkeley Municipal Pier - report on Council action.

Commissioner Stein reported on the August 6, 1986 Council action on the appeal of the landmark designation. Commissioner Stein disclosed that Congressman Dellums had been trying to secure funds for the demolition of the Pier for the past four years and that the retention of the landmark designation reduce the City's changes of getting these funds. Stein continued, stating that Council, after receiving extensive public testimony, was also cognizant of the environmental impacts that could result from the demolition of the abandon portion of the pier, and that Council did not want to eliminate any of their options. Citing the action

APPENDIX B

LEVEL OF SERVICE CRITERIA FOR SIGNALIZED INTERSECTIONS

LEVEL OF SERVICE	INTERPRETATION	STOPPED DELAY PER VEHICLE (SEC)
A	Very low delay, i.e., less than 5.0 sec per vehicle.	$\leq$ 5.0
B	Good progression with little queuing in a single signal cycle.	5.1 to 15.0
C	Light congestion; occasional backups on critical approaches.	15.1 to 25.0
D	Significant congestion on critical approaches but intersectional is still functional. Vehicles required to wait through more than one cycle during short peaks. No long standing queues formed.	25.1 to 40.0
E	Severe congestion with some long standing queues on critical approaches. Blocking of intersection may occur if traffic signal does not provide for protected turning movements.	40.1 to 60.0
F	Total breakdown, stop-and-go operation	> 60.0

Source: Institute of Transportation Engineers, 1985 HIGHWAY CAPACITY MANUAL.

Benjamin Ananian
Consulting Archaeologists
2408 Civic Avenue
Hayward, CA 94542
(415) 581-7837

October 24, 1986

David R. Clore
Mundie & Associates
4902 California Street
San Francisco, CA 94118

Dear David:

This letter report summarizes my archaeological investigation of the Durkee site at the foot of Heinz Avenue, Berkeley, CA.

The Northwest Information Center of the California Archaeological Inventory conducted a records search for the area and found no previously recorded prehistoric or historic sites listed. However, they noted that the proposed project at the Durkee site is near two large prehistoric sites, and that there is a possibility that cultural resources may be present. They therefore recommended further investigation of the area.

The site has been extensively sampled by Peter Kaldveer and Associates, Inc., Geotechnical Consultants. Their boring logs were reviewed. They showed no indication of cultural material. A surface inspection of the site revealed no indication of archaeological material. Two additional auger units were sunk in the northwest corner of the project site. The findings from these units were consistent with the geotechnical units. Approximately one foot of yellow gravelly sand fill capped a silty clay devoid of cultural material.

No mitigation is necessary or recommended.

Sincerely,

Benjamin Ananian

Benjamin Ananian
Consulting Archaeologists

WAREHAM DEVELOPMENT

August 11, 1986

Mr. Neil S. Mayer
Assistant to the City Manager
for Economic Development
City of Berkeley
2180 Milvia St.
Berkeley, CA 94704

Dear Neil:

We have studied the housing impact projections made on the Durkee EIR. After further input from the existing tenants and the prospective tenants for the Durkee development, we have been able to significantly decrease this impact. There are 2 major areas by which the total number of housing units to be displaced will be reduced.

The first of these is the specific land use and employee occupancy rates. You will note that artist studios, laboratory and light industrial uses are much less dense than office or restaurant use. The second, and most important factor is that the formula used by Mundie and Associates was not in keeping with the formula used in your Courtney EIR. We have aligned the projected new employment figures in this study with the housing impact formulas used in the Courtney EIR.

The combined effect of this more realistic and more exact calculation shows a much decreased housing impact. In addition to enclosing the methodology for the new housing impact figures, I have enclosed a breakdown of the existing and new buildings which further explain the fewer number of new employees in the project. Also, enclosed is a letter from Xoma Corporation confirming their employee density figures and the expected tenancy in the Durkee project.

One additional area of concern is that any change under the formula used will always warrant housing unit necessity from any change no matter how small. I'm not sure this mitigation is viable relative to restraint on free market tendencies that currently exist.

Sincerely,

Mark Scher

Enclosures (3)

MS:sd

WAREHAM DEVELOPMENT

August 11, 1986

Mr. Neil S. Mayer
Assistant to the City Manager
for Economic Development
City of Berkeley
2180 Milvia St.
Berkeley, CA 94704

Dear Neil:

Based on new information which was originally made available to the EIR authors and clarification of assumptions, we have reassessed the potential housing impacts from the Aquatic Park Center project. After reading the "Employment and Housing" section of the Draft EIR, we were unsure how some of the numbers had been generated and what sources were used for the information. We have been in touch with some of the tenants who are planning to locate in the project to get up-to-date and site-specific information on the number of new employees. For those parts of the project where the tenant is not yet known, we present employment density assumptions from specific studies and reports which are cited below.

To begin with, it is important to note which parts of the project are to be occupied by existing tenants and which will be new tenants. One major new tenant will be Xoma Corporation which will occupy primarily laboratory space. The following table shows the total square footage of the project and that portion which is to be open to new tenants and will thus result in the creation of new employment. Please note that only Scenario Two is being considered at the present time.

Table 1
Square Footage of Project to
Result in New Employment

Building	Total Square Footage	Square Footage for New Employees	Square Footage with No New Employees
Durkee	24,000	17,500	6,500(a)
Mixed Use Bldgs	37,056	18,432	18,624(b)
West Office Bldg	53,600	53,600	-0-
Spice Building	13,500	13,500	
TOTAL	**28,156**	**103,032**	**25,124**

1120 Nye Street, Suite 400, San Rafael, CA 94901 (415) 457-4964

Footnotes to Table 1

(a) 6,500 square feet will be occupied by existing tenants.
(b) The major tenant for this building, Xoma Corporation, has stated that 18,624 square feet will allow an expansion of their existing space (primarily for equipment) and will not result in any new employment, either at their existing space on Seventh St. or at the new building. Please see letter attached.

To determine the employment impacts of the 103,032 square feet of new "employment-generating" square footage (see Table 1), one can use accepted employment density assumptions which vary by type of land use. The Draft EIR did not state what assumptions (i.e., land use types and associated multipliers) were used to determine that 400 new employees would be generated by the project. Table 2 shows the types of land uses of the project and the expected employment from each building. As no surveys have been prepared for the City of Berkeley for each of the specific land uses, it seems much more appropriate to provide a range that shows the low to high potential employment generation.

Table 2

Primary Employment Generation

Building	New Sq. Ft.	Land Use	Sq.Ft./Employee	New Employees
Durkee	8,000	Office	225-275(a)	29-35.5
	4,000	Restaurant	170(b)	23.5
	5,500	Art Studios	750-1000(c)	3.0-7.3
Subtotal	**17,500**			**55.5-66.3**
Mixed Use Bldg.	18,432	Lab & Light Industry	400-1000(a)	18.4-46.0
New West	15,000	Lab	1,000(d)	15.0
Office	38,600	Office	225-275(a)	140.4-171.6
Subtotal	**53,600**			**155.4-186.6**
Spice Bldg.	13,500	Theatre	4,500(e)	3.0
TOTAL	**103,032**			**232-302(f)**

Footnotes to Table 2

(a) California Office of Planning and Research, Economic Practices Manual, April 1984
(b) Gruen & Gruen Associates, "Employment Densities by Type of Workplace", July 1985
(c) Based on square footage of five existing studios at the Durkee Building
(d) Information provided by Xoma Corporation which is based on current conditions. Laboratories require a great deal of space for equipment.
(e) Information provided by the Jewish Community Theater which is to occupy the space
(f) Numbers for total employees are rounded to the nearest single integer.

As shown in Table 2, the total number of new employees could range from 232 to 302, which is significantly lower than the EIR'S assumption of 400 new employees. If secondary employment is considered (using the same methodology as the Draft EIR), an additional 35 to 45 jobs would be created within the local area. However, we would like to know how the multiplier for secondary jobs was derived and what was the source of the information. If the multiplier really assesses regional employment impacts, can one accurately assume indirect employment for the City of Berkeley alone? With an additional 35 to 45 jobs, the total number of new employees would be 267 to 347, instead of 460 as stated on p. 68 of the Draft EIR.

If one assumes that 38 percent of the jobs would be held by Berkeley residents (as stated on page 68 of the Draft EIR), a total of 101 to 132 jobs would be held by Berkeley residents. We would like to know the source for this 38 percent which was used in the analysis. If this was based on 1980 U.S. Census information, one could challenge this number as being either too low or too high for current conditions. Due to the lack of more up-to-date information and as it is apparently an accepted methodology, we will agree with the assumption at this time.

However, it should be noted that the Courtney Building EIR (March 1986) assumed that 20 to 30 percent of the jobs would be held by Berkeley residents, using information from the Polaris report (August 1985) which showed that 26 percent of private sector jobs in Berkeley were held by Berkeley residents.

The next assumption which could be easily challenged is the assumption that 30 percent of the new jobs would be filled by Berkeley residents who are presently unemployed, underemployed or newly entering the work force and by Berkeley residents who presently hold jobs outside Berkeley. Without any basis for this number, one could question why the number couldn't be higher or lower. If it were higher, the resulting housing demand would obviously be proportionately lower, and vice versa.

If one uses the Draft EIR assumption that 70 percent of the new jobholders would be new Berkeley residents, then 71 to 92 jobs would be for new Berkeley residents. Assuming 1.2 workers per household, then 59 to 77 new units would be required after the project is completed. This compares to the EIR estimate of 100 new units required from the project. It should also be noted that the Courtney Building EIR used a multiplier of 63 percent to compute the number of new Berkeley jobs that would be held by new Berkeley residents. If the two mulitpliers used in the Courtney EIR (i.e., the 20-30 percent and the 63 percent) were used in this analysis, a total of 28 to 55 new homes would be needed as a result of the project.

We have also noted that the Courtney project uses a multiplier of 300 sq. ft. per employee for office development (vs. 225-275 per employee used in this analysis). Using this multiplier, the total number of required units could be reduced by approximately 3 to 12 units, using our original analysis (vs. the Courtney multipliers).

While many of the assumptions could be challenged, either resulting in a less or greater housing demand, we feel that we have presented a more accurate picture of the expected employment generation and resulting housing demand from the project. We would like the consultant to comment on this methodology and to clarify the questions which have been asked.

Sincerely,

Mark Scher

MS:sd

XOMA
CORPORATION

2910 SEVENTH STREET
BERKELEY, CA 94710
415/644-1170
TELEX: 856-697

August 6, 1986

Mark Scher
Seventh Street Properties
P.O. Box 929
San Rafael, Ca. 94915

Dear Mark:

This letter will serve to indicate Xoma Corporation's interest in exploring the possibility of an approximately 18,000 square foot addition to the west of our existing leased facility located at 890 Heinz Street. There is also interest in consolidating our laboratory facility now at 2840 Eighth Street with our existing corporate office at 2910 Seventh Street into a new 53,000 square foot structure proposed for the western end of Heinz Street in the Aquatic Park Center. Our most preliminary estimate indicates a requirement of approximately 40,000 square feet, including both offices and laboratory space in this building.

Assuming we can work out a satisfactory flow and layout, the potential 18,000 square foot addition to 890 Heinz Street would provide adequate space for existing operations within the building. Approximately one-third of the potential 18,000 square feet would be devoted to storage, which is currently not present. Two important existing production related departments requiring high quality space would be relocated to this facility. If it can be worked out, one department will be reduced in size. This proposed addition should have no or minimal effect on the total number of personnel at the facility.

As you are aware, the primary catalyst for consolidating the existing 2840 Eighth Street facility with our corporate office is that the 2840 building is marginally adequate for our current needs and certainly not for our future requirements. A consolidation in mid 1987 would be desirable. Adequate replacement facilities are required close to the corporate office and 890 Heinz facility. A combined facility would again solve space deficiencies at both locations with some future flexibility available. In keeping with Xoma's general policy, the consolidated facility would be kept "lean and mean" for as long as possible until prudent business judgement dictated otherwise.

Regards,

H.R. Humphrey
Director of Facilities

HH/oj

cc: C. Dellio

8/5/86

EIR RESPONSE

SEVENTH STREET II AGENDA

BREAKDOWN OF THE SEVENTH STREET II R&D BUILDINGS:

XOMA - 18,624 SF

(Ho Humphrey, Facilities Manager, will advise by letter that no new employees will be necessary to run this Research and Manufacturing Facility.)

DURKEE THEATRE - 12,500 SF

No new employees will be considered by either the Shakespeare or Jewish Theatres

TWO STORY OFFICE BUILDING - 54,000 SF

XOMA, a former start-up company, will be taking 42,500 square feet of office and lab space of which 27,500 square feet will be office and 15,000 square feet will be lab. In their present existing 16,000 square feet, there is 1 employee per 200 square feet. In their new office space, there will be 1 employee per 350 square feet. Of the additional 11,500 square feet of office, most will be used for expanded computer rooms, conference rooms, and demonstration rooms. It will not be used to house more personnel.

DRAFT ENVIRONMENTAL IMPACT REPORT

AQUATIC PARK CENTER
(DURKEE SITE)

Prepared by:

Mundie & Associates
Consultants in Land Use and Economics

and

City of Berkeley
Planning and Community Development Department
(Lead Agency)

Project Sponsor:
Wareham Development

June 1986

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CHAPTER I

INTRODUCTION

This environmental impact report (EIR) identifies potential significant environmental effects of the proposed mixed-use Aquatic Park Center development were it to be constructed in the southwest corner of Berkeley. Environmental review was triggered by the project sponsor's application for a use permit from the City of Berkeley.

The report has been prepared in accordance with the California Environmental Quality Act (CEQA) of 1970 as amended and state and local guidelines for the implementation of CEQA. It is designed to inform the public, local decision makers and other responsible agencies of the details of the proposed project and the likely environmental consequences of its implementation. It also includes mitigation measures recommended to reduce or avoid any forecast adverse impacts.

This EIR has been prepared for the City of Berkeley, Planning and Community Development Department, the lead agency, by Mundie & Associates, environmental consultants.

An environmental initial study was prepared by Planning and Community Development Department staff (December 19, 1986). It identified the following areas as ones in which significant impacts would or could be generated by development of the proposed project as described: land use planning and the potential for growth induction in West Berkeley; employment generation and housing demand; transportation; historic resources and concerns of development on the landmark site; noise; public services and facilities; fiscal impacts; hydrology and water quality; public health concerns resulting from potential hazardous materials onsite; air quality; seismic safety issues related to existing buildings onsite; and potential cumulative impacts of both nearby projects and the future development of Emeryville's bayfront and Berkeley's waterfront areas. Evaluation of the project in terms of City plans and policies on specific topics (e.g. historic preservation, land use planning, economic development, housing, transportation, air quality, and noise) is provided within each of the topical sections. See Appendix A for a reproduction of the initial study.

A scoping session was held on March 6, 1985, at the West Berkeley Senior Citizens Center at which members of City boards and commissions and the public provided further comments regarding the breadth and depth of analysis appropriate for this report. A second scoping session focusing on the issues of the Durkee site's designation as an historic landmark and the proposed project's potential urban design impacts was held on March 26, 1986 at the West Berkeley Senior Citizens Center.

CHAPTER II

SUMMARY OF IMPACTS AND MITIGATION MEASURES

This chapter summarizes the forecast impacts and recommended mitigation measures which are presented in greater detail in the main text (Chapter IV). Impacts of a beneficial or non-significant nature are presented for informational purposes. The mitigation measures listed here relate to impacts which would be significantly adverse if left unmitigated.

In order to summarize the numerous and occasionally complex descriptions of impacts and mitigations the authors rely on a telegraphic style, frequently using "bulleted" listings. Readers should look to the main text for a more complete description of impacts and mitigations.

LAND USE PLANNING AND THE SITE'S LANDMARK STATUS

Impacts

Changes on the Site. Implementation of either project scenario would cause substantial land use changes on the site, and potentially in the nearby study area. The difference between Scenario One and Scenario Two is the type of land use proposed for the eastern third of the site: a one-story 50,000 square foot office building (ETS) is proposed under Scenario One; three industrial/R&D/retail buildings are proposed under Scenario Two.

The 24,000 square foot Durkee Building would be preserved under both scenarios. In addition, each scenario would preserve one other existing element of the site. Scenario One would incorporate the smokestack into an atrium in the ETS building and Scenario Two would retain the Spice Building.

Several physical and land use changes would result under either scenario:

- The East Bay Wash Rack truck wash facility will relocate from the site.
- The auto shop at 810 Heinz and Experimental Kitchen would be removed.
- During renovation of the Durkee Building, existing tenants could experience construction noise and dust impacts, and might have to leave the building temporarily.
- Existing commercial and live/work tenants in the Durkee Building may relocate for any of several reasons (e.g. spatial needs, compatibility with other proposed uses). Negotiations between existing tenants and the property owner are under way but not concluded at the present time.
- Storage tanks and associated piping and drainage facilities located onsite would be removed subject to mitigations aimed at protecting project workers from exposure.
- Removal of asbestos associated with demolition of onsite warehouse would be completed.
- The site would be generally cleaned up and the left over materials of previous demolition activities removed.
- An entire block (excepting the Garr [Copra] Building parcel) of new commercial development (approximately 128,000 square feet) with unified landscaping, pathways and parking lots would be created.
- Development of this project could lead to intensification of uses on adjacent parcels (see Cumulative and Growth Induction Chapter)

Consistency with Master Plan Land Use Element. Determining the consistency of the proposed project with the City of Berkeley Master Plan Land Use Element would focus on two relevant goals:

- The project appears inconsistent with the goal of preserving the unique character of Berkeley. The proposed uniformity of uses and narrowed range of economic activities outweighs partial retention of existing buildings and uses in each scenario. (Goal #1, p. 5)
- The project appears consistent with the goal of improving Berkeley's financial position by fostering opportunities for appropriate economic development. (Goal #5, p. 5)

There are three relevant land use policies of the Master Plan which apply:

- The renovation of the Durkee Building in both scenarios and design of proposed nearby buildings are generally in step with the policy regarding historic buildings. Retention of the Spice Building in Scenario Two further addresses this aim. (Policy 1.01, p. 14)
- The proposed project appears inconsistent with the policy of limiting development in the manufacturing area to "industrial and related commercial uses". (Policy 1.32, p. 17)

- The pedestrian bridge and cul-de-sac at the western end of Heinz Avenue are consistent with the policy relating to conversion of streets or portions thereof to other public uses or open space. (Policy 2.11, p. 30)

Review of the proposed project by the Parks and Recreation Commission and the Commission on Disability is under way and the recommendations of these groups will be available for consideration by the Landmarks Preservation Commission and Board of Adjustments.

Historic and Architectural Resources Impacts. The Durkee site was designated a Berkeley landmark in August 1985. However, evaluating the Durkee site using standards for historic merit that are more broadly based than those employed by the LPC under Berkeley's Landmarks Ordinance results in a different conclusion than that arrived at by the LPC. In brief, the designation cannot be supported on state or national grounds; its importance is strictly local. However, the Berkeley Landmarks Preservation Ordinance applies several additional criteria and the Landmarks Preservation Commission (LPC) decided (and were upheld on appeal to the City Council) that by Berkeley standards the Durkee site did merit designation. This designation requires that the LPC review and approve the proposed project, applying a series of local criteria to their deliberations.

Site Plan and Urban Design Impacts. In terms of urban design and site planning, a noticeable change over the existing condition would result from either scenario. Retaining the Spice Building and proposing non-office buildings in Scenario Two as well as several architectural elements of the project would reduce the incongruity of the new development somewhat. The landscaping shown in sketches of the proposed project for both scenarios would also be visibly different from the existing conditions onsite and in the vicinity of the site. The building materials and design of Scenario Two would be more in keeping with the industrial nature of the area than would Scenario One.

Mitigation Measures

Specific mitigations for the proposed project are shown below. Two other project revisions are outlined in the Alternatives Chapter of this report.

Inconsistencies with Master Plan Goals and Policies. Both project scenarios include a mix of uses, building types and other features. These individual elements of the project reflect particular directions of city goals and policies, but the variety of uses and the complexity of a mixed use reuse project at this site does not allow for a blanket finding of consistency with the Master Plan. The implementation of city goals and policies through this project is a task for city decisionmakers.

Landmark Status. Measures which could be evaluated by the LPC in order to reconcile the project with its designation as a local landmark are listed below.

Creek Restoration. One way of reestablishing the historic condition of the site would be to restore the course of Potter Creek through the site. Such a design change could affect the project site plan and would require consultation with experts in several fields.

Offsite Contribution to Historic Restoration. The applicant could contribute an agreed upon amount of funding to be used in restoring or maintaining selected structure(s)/site(s) of landmark status elsewhere in the City of Berkeley.

Other Measures. Listed below are several site plan and urban design mitigation measures. Under employment mitigation measures are shown additional steps aimed at providing protection for existing Durkee Building tenants.

Site Plan and Urban Design. Consideration of five mitigation measures is recommended:

- Landscaping (such as vegetation, lighting, paving and signage) which fits in with the industrial nature of the site should be emphasized at the point when project plans are refined;
- Use of industrial sash windows in the new mixed-use buildings of Scenario Two would help achieve a more industrial look for the project;
- The design of the pedestrian bridge should provide for easy access to and be of compatible design with the system of pathways in Aquatic Park, and should be consistent with the city's policies regarding access for physically disabled users;
- The applicant could be required by the City of Berkeley to contribute a portion of the estimated construction budget to the "art in public places" program.
- The relocation of the Jewish Community Theatre from the Durkee Building to the Spice Building under Scenario Two would decrease the potential for land use conflicts (e.g. noise between this tenant and others); and
- Internal pedestrian circulation should be aided by providing a north/south walkway connection near the Durkee Building from the east/west pedestrian spine to Heinz Street.

Other Mitigation Measures. The Transportation section of this report includes a mitigation measure recommending that the parking garage be moved northward (by 25 to 30 feet) to allow a roadway connecting the western parking lot with Fifth Street.

EMPLOYMENT AND HOUSING

Employment Impacts

Direct Project Employment. The two scenarios would generate employment on an order of magnitude which would be roughly the same though split differently between full- and part-time work. Scenario One with ETS as the prime tenant would result in 305 year-round positions and an additional 105 peak period positions. Scenario Two would generate approximately 400 year-round jobs.

Construction Jobs. On the basis of the project's estimated construction cost of nearly $8.5 million, the number of "full time equivalent" (FTE) jobs generated would range from 105 to 120. These jobs are measured in FTE terms as a way of standardizing the typical construction employment characteristics of short duration, great variation in wage scale and multiple trades and crafts represented.

Secondary Job Generation. It is estimated that the proposed project would lead to indirect and induced employment growth of 30-50 positions for Scenario One and 50-70 positions for Scenario Two, using an employment multiplier of 1.1 to 1.2 for secondary job creation within Berkeley. An additional 90-120 or 120-160 secondary positions would be created outside of Berkeley but within the region under Scenario One and Two respectively.

Type of Jobs: Occupational Mix. The occupational composition of the workforce employed in various buildings of either scenario cannot be forecast with great accuracy because, with the exception of ETS in Scenario One, no other major tenants have yet been confirmed. Empirical surveys of land uses similar to those proposed for the site, however, allow approximation of the number of jobs within broad occupational categories. The number of jobs and percentage breakdown for jobs in each scenario would be:

Occupational Category	Scenario One	Scenario Two
Professional/technical	134 (33%)	115 (29%)
Managerial/administrative	63 (15%)	68 (17%)
Clerical	187 (46%)	107 (27%)
Sales/service	13 (3%)	40 (10%)
Other	13 (3%)	70 (17%)
	410 (100%)	400 (100%)

Distribution of Jobs: Berkeley Residents, Commuters and In-Migrants. Applying current statistics on the split between residents and commuters, 62 percent of the new jobs could be expected to be held by people living outside of Berkeley. That would leave 38 percent to be held by residents: 133 under Scenario One and 175 under Scenario Two.

Of the total jobs held by Berkeley residents, some would be obtained by individuals already residing in Berkeley and some by inmigrants. It is assumed that thirty percent of the jobs would be filled by locally residing workers and that the balance would be filled by inmigrants.

Population Impacts. The net increase in housing demand of between 80 and 100 units could lead to a population increase of approximately 200 to 250 persons, depending on the new residents' household sizes and the degree to which these households displace existing households.

Effects on Unemployment. The occupational forecast for the two scenarios shows the advantages of each when it comes to positions likely to be sought by currently unemployed Berkeley residents. While the impact would generally be a positive one, the project would cause the displacement of eight jobs at the existing auto shop and potentially others in the Durkee Building.

Consistency with Berkeley Economic Policies. The proposed project is generally consistent with the city's economic development policies. Both scenarios would increase available jobs within a fairly broad range of occupational categories. Scenario One emphasizes clerical and professional/technical positions, and Scenario Two aims at small incubator industries in addition to professional offices.

However, the project as proposed does not include an explicit detailed program to help secure available jobs for Berkeley residents.

Employment Mitigation Measures

Targeting Project Jobs to Berkeley Residents. In order to insure that a share of the construction and operations period jobs would go to Berkeley residents a program of actively seeking out applicants should be implemented. Specific steps which could be taken include goals for local hiring in the case of project construction and "first source" agreements (in the form of a Use Permit Condition or attachment to the standard lease between the project sponsor and tenants) for permanent onsite jobs.

Contribution Toward City's Job Training and Recruitment Program. Another means of insuring that the proposed project is consistent with city policies would be an applicant contribution of a specific dollar amount toward the city's job training and recruitment program.

Assist Existing Onsite Tenants During Renovation. Impacts on tenants during the construction period could be lessened by establishing a posted and updated schedule of activities so that tenants could continue in business by working around the worst times of noise, vibration and dust.

Depending on the outcome of the dispute over the applicability of the city's rent ordinance and other residential preservation ordinances, some form of explicit protection for existing tenants could be made a condition of project approval.

Housing Impacts

The project will contribute to Berkeley's present housing shortage by expanding employment without offsetting that expansion by an equivalent contribution to the expansion of the housing stock.

Citywide Increase in Housing Demand and Potential Impact on Cost and Affordability. Citywide, housing demand resulting from the direct and indirect Berkeley employment generated by the project is estimated as roughly 80 to 100 units (Scenarios One and Two respectively). The ability of the Berkeley housing market to sustain such an increase in supply is questionable, given that during the 1970s the average annual increase in the housing stock was less than 20 units per year.

In the absence of significant increases in the supply, continued increases in demand can only serve to increase housing prices. It is important to recognize that, for various reasons, Berkeley is considered a desirable residential community by many people who are employed elsewhere. Because Berkeley's attractiveness as a place to live is not likely to diminish, housing values probably will continue to inflate compared with the rest of the Bay Area whether or not employment expands. Employment expansion, however, does exacerbate the situation.

One potential outcome is displacement: the 80 to 100 households associated with the employment increase may supplant existing Berkeley residents by outbidding them in terms of rents and housing prices. It is not possible to estimate the actual level of displacement. However, it is reasonable to suppose that the propensity of this project's employees to live in Berkeley would be no greater than the 38 percent level currently characteristic of all Berkeley workers. Thus, the 80-to-100 range represents the maximum credible displacement from this project. The actual amount of displacement to be experienced would probably be less than that level, but how much less cannot be determined.

Effect on Housing in West Berkeley. If not for the relatively lower purchasing costs, it is unlikely that project employees would have any greater preference for living in west Berkeley than elsewhere throughout the City of Berkeley. However, the fact that relatively inexpensive housing can be found there suggests the continuation of recent land use changes in west Berkeley could accelerate residential gentrification in addition to the commercial and office upgrading which is well under way. For these reasons, the west Berkeley area is somewhat more vulnerable to housing impacts than other neighborhoods.

Live/work Space in the Proposed Project. As noted elsewhere in this report, the issue of whether the current live/work tenants in the Durkee Building are covered under the applicable city ordinances regarding residential structures is still under consideration by the City Attorney's office. The final impact in this regard cannot yet be forecast.

Housing Mitigation Measures

City staff is currently in the process of designing a housing impact mitigation program which would require either the direct provision of a set number of below-market-rate units or the payment of an in-lieu fee to offset anticipated impacts on the city's housing market. The variation in this rate would derive from the level of impact anticipated from employment in each land use.

If the proposed project were approved prior to the time the city implements the housing mitigation program, the city and applicant could negotiate a similar contribution based in part on the housing impacts forecast in the EIR.

The funding from this mitigation could be allocated to one or more of several citywide assistance measures: 1) Direct purchase of land for below-market-rate housing construction; 2) Direct construction of housing units for sale at below-market-rate prices; and/or 3) Subsidization of land or unit purchases by a non-profit organization for the purpose of sale or rent at below-market-rate prices.

TRANSPORTATION

Impacts

The proposed project would generate additional vehicle trips in the vicinity of the Durkee site and in the larger study area. Other nearby developments expected to be completed in the near future would also add traffic. This analysis includes a forecast of total trip generation and an evaluation of the effect of this traffic on five critical intersections, both for the proposed project and cumulative development. Impacts on transit service and pedestrian access are also discussed. The final issues considered are onsite circulation impacts stemming from the proposed site plan and the adequacy of parking.

Trip Generation. Scenario One would generate approximately 3,259 average daily trips (ADT) while Scenario Two would generate only slightly more at 3,271 ADT.

Cumulative Development. The five proposed or approved projects (representing traffic-generating growth in southwest Berkeley forecast to buildout over the next five years) would cumulatively (without the proposed project) generate 11,347 ADT. The effect of potential development in Emeryville and in the Berkeley Waterfront is analyzed in the chapter on Cumulative and Growth Inducing Impacts.)

Traffic Impacts on the Street System and Critical Intersections. Adding traffic from the proposed project and five cumulative developments to existing volumes will create adverse impacts on nearby streets. The percentage increases in existing traffic volumes due to project and cumulative traffic would be greatest on Anthony (900 percent) and Heinz (60 percent), with moderate levels of increase on Dwight (44 percent) and Seventh south of Dwight Way (34 percent). Less significant increases would occur on Ashby (17 percent) and San Pablo (4 percent).

The adverse impact on intersection levels of service would be worst in the PM peak period. The combination of existing, proposed project and cumulative development traffic would lead to levels of service E at Seventh/Ashby and Seventh/Heinz and D at Seventh/Anthony and Seventh/ Dwight. The proposed project would contribute between 18 percent and 39 percent of the (project plus cumulative development) growth in traffic at the five critical intersections, with the Berkeley Auto Mall north and south and the Carleton Street Business Center generating much more traffic than Aquatic Park Center at most intersections.

Pedestrian Circulation. Internal pedestrian circulation for both Scenarios One and Two is adequate with the exception of an absence of specifically designated pedestrian access to Heinz Street, which will provide principal access for pedestrians and potential transit riders. Both scenarios propose a pedestrian over-crossing at the westerly end of Heinz Street spanning the SPRR and connecting with the extensive pedestrian and bikeway system in Aquatic Park. (See Site Plan and Urban Design Mitigation Measures for further discussion of this issue.)

Mitigation Measures

Several mitigation measures are recommended on the basis of impacts created specifically by the proposed project as well as cumulative development in southwest Berkeley.

Project Related (Developer Responsibility).

- Install a signal at the intersection of Seventh/Anthony Streets.
- Create two approach lanes for the Anthony and Heinz approaches to Seventh Street.
- Restripe Seventh Street to create left turn lanes in addition to through lanes on the approaches to the intersections of Seventh/ Anthony and Seventh/Heinz.
- Install a stop sign at the northerly extension of Fifth Street (at Heinz). The centerline of this extension should also be striped.
- Upgrade the pavement quality where necessary along portions of Anthony and Fifth Streets and Heinz Avenue.
- Provide a sidewalk along Heinz Street adjacent to the Aquatic Park Center Project from the westerly end of the existing sidewalk to the proposed pedestrian overcrossing at the extreme westerly end of Heinz Street.
- Provide fencing along the westerly project property line to dissuade pedestrians from making at grade crossings of the railroad tracks.
- Provide a north/south walkway connection near the Durkee Building from the internal east/west pedestrian spine to Heinz Street.
- Consider relocating the proposed parking structure 25-30 feet to the north to allow for a two-way driveway west from the Fifth Street entrance to the westerly surface parking area.
- Onsite signing to clearly identify buildings so as to assist drivers selecting a parking area should be carefully considered by the project architect.
- The footprint of the proposed parking structure should be enlarged to provide additional parking initially and be designed in a way that will allow a third floor to be added in the future. Conditions of approval for the project should mandate the project owner to report annually to the city actual employment at the site, and to have a parking utilization study prepared by a professional transportation engineer. Should parking occupancy exceed 85 percent, the project owner should be required to expand the parking garage. The city could also require more rigorous TSM measures (see Measures below).
- In order to reach the citywide transit mode share of 16 percent the city could require the property owners, managers or major tenants to provide a number of vans to be driven free of charge by onsite employees. Carrying 11 percent of the onsite workforce (roughly 44 persons) in vanpools would require four vans costing on the order of $9,000 each per year (1986 dollars) for operation (including maintenance and fuel).
- [Mit. relating to transportation assessment dist (#13, deLeuw) under consideration by Gil and Silvia Toth]
- Wareham Development, the City, and Caltrans should work together to reopen the pedestrian/bicycle access along the north side of Ashby Avenue through the SPRR Underpass to link southwest Berkeley with Aquatic Park. The City's role would be as facilitator/liaison and any required funding would be the responsibility of the developer. The importance of this mitigation would greatly increase in the event that the proposed pedestrian bridge over the railroad tracks were deleted from the project.

Cumulative Development Related (City Responsibility With Developer Participation Required).

- All new developments of 20,000 GSF or more in the west Berkeley area including the proposed Aquatic Park Center project and the cumulative projects meeting these space specifications should be required to prepare a Transportation Systems Management Plan. In formulating the TSM Plan for the Aquatic Park Center project, consideration should be given to the following components:

  - Designation of a Transportation Coordinator for the proposed project, or in combination with the initial Aquatic Park Center buildings (located immediately east of the Durkee site).

- Preferential parking for car- and vanpools, and for short-term parkers.

- Provision of an informational kiosk or bulletin board in or near the ground floor lobby where brochures and other information about transit or ridesharing or other TSM programs would be available. Berkeley Trips, the local ridesharing agency, would provide information on programs to assist persons interested in taking transit or in joining a car- or vanpool.

- Designation of bicycle parking facility within the parking structure which would be well lighted and monitored by onsite security. Additional bicycle parking spaces should be provided adjacent to each of the project buildings.

- Space for motorcycles should be designated in the garage. Areas of the garage could be used for motorcycle access without displacing many automobile spaces.

- Improve the San Pablo/Ashby Avenue intersection to provide separate left turn phases for all approaches.

- When warranted, install a traffic signal at the Ashby Avenue/Ninth Street intersection.

AIR QUALITY

Impacts

Short-term air quality impacts would result from construction period activities: dust generation, slight hydrocarbon and odor emissions from building materials, and vehicular emissions from construction equipment could last for up to eight months. Particulate emissions might present adverse health impacts due to potential caustic materials in onsite soils.

Long-term regional air quality effects caused by project traffic would not result in a measurable degradation of regional air quality. Long-term sub-regional impacts would consist of increases in carbon monoxide concentrations at intersections near the project; however, the project's effect would not be significant at any of the critical intersections evaluated.

Mitigation Measures

Construction period measures for control of dust and hydrocarbon emissions include:

- Execute an effective sprinkling program to reduce dust emissions.

- Schedule major dust-generating activities for those periods when local winds are light.

- Cover storage piles (dirt, construction refuse, etc.) adequately with plastic sheeting.

- Minimise particulate and hydrocarbon emissions from motorized construction equipment through proper maintenance and operation.

In order to be consistent with regional air quality goals, the developer should be encouraged to promote transit use, carpools, flexible work schedules, and alternative means of commuting such as bicycling and pedestrian facilities (see Transportation Mitigation Measures.)

NOISE

Impacts

Noise and Land Use Compatibility. Based on noise measurements taken at the site and a review of projected vehicular and train traffic data, it is estimated the L_{dn} onsite would range from 60-65 dB. This level falls within the normally acceptable category of the City's Noise and Land Use Compatibility Guidelines. However, a significant increase in train traffic or the addition of large freight trains and any increase in the extent to which trains blow their horns as they pass the site could lead to increased potential impacts for the new western office building in both scenarios.

Traffic Noise Impacts. Noise generated by project traffic would increase the existing noise levels near the site by one decibel or less, too small an increase to be noticeable, on all frontages except Anthony Street.

Along Anthony Street, noise levels are calculated to increase by about nine decibels, effectively a doubling in loudness. However, existing nearby uses are not considered noise sensitive and the 24-hour average noise level along Anthony Street would still be within the 60-65 dB range.

Construction Noise Impacts. Construction period noise levels onsite and at nearby buildings would increase temporarily. However, noise levels conforming with the City's Ordinance No. 5500 would not adversely affect adjoining land uses.

Mitigation Measures

The design of the new western office building should be reviewed by a qualified acoustical engineer to ensure that individual train passbys not exceed 60 dBA in general offices and 55 dBA in private offices.

Noise impacts during demolition and construction are regulated by the City's Noise Ordinance which specifies times of operation and maximum sound levels for equipment.

SOILS AND GEOLOGY

Impacts

Implementation of the proposed project would not in itself impact the geological environment on the site. However, the site conditions could impose constraints on the construction of the project.

The foundation feasibility investigation indicates that onsite fill may not be of sufficient strength to support the proposed structures. In addition, the native soils underlying the fill are slightly compressible, and exhibit moderate to high expansion potential. Compressibility and expansion potential of soils underlying a project site could result in damage to foundations, underground utilities, and pavements.

In the event of an earthquake along any of the region's active faults, the site could be subject to groundshaking. Groundshaking could result in damage to structures and underground utilities.

An evaluation of the existing onsite structures to determine the extent to which they could be made sound for reuse and the costs of doing so was conducted by a structural engineer under contract to Wareham Development (Peter Culley & Associates, 1986). A second opinion was obtained by the authors of this report which essentially confirmed the findings of the first evaluation (GFDS Engineers, 1986).

Mitigation Measures

The foundation feasibility investigation recommends that onsite fill be removed and reworked prior to construction of buildings. If the existing fill is to be reused on the site, soil samples should be collected and analyzed for contamination. If the soils exhibit constituents in concentrations that would render the soils hazardous, they should not be used for fill on the site, but should be disposed of properly.

All proposed structures and the existing structures proposed to be renovated for future use should be designed to accommodate groundshaking resulting from the maximum credible earthquake. The maximum credible earthquake is the maximum earthquake that is likely to occur during the life of a proposed project.

HYDROLOGY AND WATER QUALITY

Impacts

Surface Drainage. The increase in impermeable surface area and storm water runoff when compared to historic or current conditions is expected to be minimal and would not strain the capacity of existing storm sewers near the site. Runoff from the site would likely improve in quality once the existing fill material and other substances were removed from the site and after the truck wash facility ceases operation.

Groundwater. The project site would not in itself impact the groundwater regime. No structures have been proposed that would extend to the depths of the groundwater. Implementing the project would result in the removal of equipment used in previous land uses that may be the source of groundwater contamination.

Mitigation Measures

Additional samples from existing monitoring wells should be collected and analyzed for any deleterious constituents used in the wash rack facility. This would allow onsite groundwater quality to be fully characterized. The analytical results should be submitted to appropriate agencies.

PUBLIC HEALTH CONSIDERATIONS

Impacts

Two types of public health impacts are evaluated: 1) contaminants associated with past land uses on the site; and 2) potential impacts for future tenants that may occupy the site and generate, handle or store hazardous materials.

Health Impacts from Past Land Uses. Major health impacts to construction workers could be associated with site preparation.

Caustic Materials. Demolition and construction workers could be adversely impacted by caustic materials remaining onsite at several locations from past land uses.

Asbestos. Asbestos fibers could be released into the air during demolition or renovation of asbestos contaminated materials.

Oil and Grease. The potential for residual oil and grease in storage tanks and piping might pose a fire hazard during demolition activities.

Unknown Chemicals. There may be contamination of the soil and groundwater from possible leakage of the underground chemical storage tank operated by EBWRI. The composition of the chemicals contained in the tank is unknown at this time.

Health Impacts Associated with Future Land Uses. Any future land uses which involve the generation, use or storage of hazardous materials may involve public health risks such as that of accidental releases of contaminants into the air or water, spillage, fire and explosion from flammable materials, and leakage from underground storage tanks.

However, firms engaged in R&D or manufacturing activities which use hazardous materials are subject to state and local regulations and oversight intended to minimize risks associated with the use of such substances. The industrial use of substances classified as hazardous material does not in and of itself constitute an adverse impact.

Mitigation Measures -- Past Land Uses and Hazardous Materials

Mitigation measures are recommended for the eastern and western portion of the site as follows:

2900 Fifth Street Property (Eastern portion of site)

A health and safety plan should be prepared prior to demolition activities.

Removal of any asbestos-containing material should be performed by qualified personnel specially trained in asbestos removal.

Underground piping, tanks and sumps should be decontaminated prior to further demolition activities.

A closure plan for addressing these abandoned facilities should be prepared and submitted to the City of Berkeley providing a detailed description of the techniques to be used.

Any oil and grease discovered onsite should be analyzed to verify that they are of vegetable oil origin.

700 Heinz Avenue Property (Western portion of site)

Soil sampling should be performed to determine whether there has been any leakage from the chemical storage tank.

A site characterization study of the property should be conducted, prior to demolition activities, to ascertain the following:

- Inventory all 55-gallon drums, aboveground tanks, underground tanks, and sumps and determine whether contents are hazardous;
- Identify proper disposal and decontamination methods for inventoried storage containers/tanks, associated piping, and drainage system;
- Prepared and submit for approval a closure plan for this cleanup work;
- Identify the existence, location and contents of underground storage tanks from previous land uses;
- Register the underground chemical storage tank with the City of Berkeley in accordance with Subchapter 16 of Title 23 of the California Administrative Code (a variety of requirements such as leak monitoring are included within Subchapter 16); and
- Develop a worker health and safety plan for demolition activities.

Further site characterization of the 700 Heinz Avenue parcel should be performed after grading, to ascertain whether there has been contamination of the native soil underlying the fill material covering part of the site. The native soils may be contaminated with caustic chemicals, fuel hydrocarbons, oil and grease, or other toxic substances identified in the preliminary inventory of waste products.

If contamination of the native soil is identified in concentrations that would render the soils hazardous, remedial action plans should be prepared and submitted to the City of Berkeley, the Department of Health Services and the Regional Water Quality Control Board. Remedial efforts could involve the excavation of any soils found to be hazardous and the disposal of the excavated material in a Class I site. It should be noted that conditional project approval would be given at the Use Permit stage with final approval by these agencies required prior to issuance of building permit (except for demolition or excavation permits).

Mitigation Measures -- Future Land Uses and Hazardous Materials. In the case where potential future tenants are known and hazardous materials may be an integral part of the tenant's operation, then:

An occupancy classification study should be performed prior to construction. The study should identify the chemicals, their toxicities, quantities, fire and explosion hazards, and special storage, handling, and transportation precautions. Identified special requirements for storage and building facilities should be established as preconditions for obtaining building and fire permits.

PUBLIC SERVICES AND FACILITIES

Impacts

Fire Protection. Potential impacts of the project center on two concerns of the Fire Department: vehicle access difficulties and water supply.

Police. Development of the site for more intensive uses is expected to have an incremental effect on the demand for police services in the area. Additionally, site specific concerns for surveillance and protection may arise during detailed review of the plans by the Police Department (Crime Prevention Unit). However, as of this writing, the Police Department has not completed its review, nor has it articulated any special concerns.

Sewage Collection and Treatment. A main sewer line with available capacity is located adjacent to the site along Heinz Avenue. The small amount of additional wastewater flow generated by the proposed project would not cause any significant adverse impact on the EBMUD treatment plant though it would contribute to the eventual need to add capacity if demand increases in this area.

Storm Drainage. A 24-inch line along Heinz Avenue should be adequate to handle any additional runoff from the site.

Water Supply. A preliminary analysis of the proposed project by EBMUD staff allows the conclusion that available water supply for consumptive and fire flow use exists and its provision would not create a significant impact. At future stages in the project's review, the applicant would apply to EBMUD for a Water Service Estimate, at which time all facilities improvements would be specified.

Mitigation Measures

Fire Protection. The Fire Department recommends several mitigation measures to reduce fire hazards and minimize demand for the Department's services. The primary source for the Department's recommended and required mitigation measures is the Unified Fire Code (1979 edition) used by the City of Berkeley on all new developments.

Access Mitigation Measures. The Uniform Fire Code (Section 10.207) specifies requirements regarding road widths and proximity to all structures.

Water Supply. The Code also requires that adequate fire flow be provided. Final determination of the required water volume and capital improvements necessary to reach that level would be made prior to the issuance of a Use Permit. However, preliminary recommendations include the installation/upgrading of three segments of water supply lines.

Other Mitigation Measures. The City of Berkeley has an ongoing development review process which will involve representatives of the Fire Department in approval of various permits necessary for completion of the project and occupation of the buildings.

Police. The Police Department should complete its review of the project plans and recommended any modifications or additions to the project which would reduce demand for police services and serve to prevent crime at the site. At present, and until the Police Department completes its review, more specific mitigation measures cannot be recommended.

Sewage Collection and Treatment. If the wastewater generated by the proposed project were to exceed the capacity of the 10-inch sewer main located on Heinz Avenue, the applicant would be responsible for expanding capacity as determined by the City of Berkeley Department of Public Works. In addition, the applicant would pay a one-time capacity fee and ongoing usage fee to EBMUD. If the City of Berkeley adopts a sewer connection fee schedule prior to the time of the project's hookup, the applicant should pay the required amount.

Storm Drainage. The applicant would be responsible for paying permit and engineering inspection fees levied by the City of Berkeley. If the city adopts a storm drain connection fee schedule prior to the time of the project's hookup, the applicant should pay the required amount.

Water Supply. The project sponsor would be required to submit to EBMUD an application for a Water Service Estimate and to provide local transmission lines as specified therein.

A Service Capacity Charge would be levied and monthly charge estimated as well. At the time of this application, the project sponsor would be provided with information on methods of conserving water through building design and emphasis on water-saving appliances and landscaping.

Copies of correspondence regarding fire flow requirements should be sent to the City of Berkeley Fire Marshall to assure coordination and appropriate input by the Fire Department.

FISCAL IMPACTS: COST AND REVENUE EFFECTS

Costs of Public Services and Facilities

Two types of public services costs could result from the project: direct costs associated with serving the project and indirect costs associated with providing services to new residents working at the project.

Public Safety. According the the Fire Department, no significant increased costs would be created if the project were to incorporate the list of recommended mitigation measures. The in-migration of 80 to 100 new households could increase ongoing costs of police and fire protection, though the extent of such costs would not be significant, nor is there any reason to think that it would vary from the average per capita costs of providing these services to existing Berkeley residents.

Public Works. Direct project impacts on roads, sewers, storm drains, and water supply lines would be offset to a great extent by direct developer responsibility for their provision. The Transportation section (pp.76 to 101) recommends several offsite roadway mitigations as well. Indirect costs of operating all public works for new residential users would be nearly, though not quite equally, balanced against the residential property taxes generated.

General Government. The direct general government costs of the project would be partially offset by the one-time revenues shown below. An office and industrial project would not be expected to increase demand for general government services (e.g. parks and recreation) to the extent that a residential project would.

Total Costs. Responses by city department staff indicate that the combination of implementing the recommended mitigation measures along with the city's established fee schedule, and developer responsibility for certain public improvements would decrease any public services costs to a minimal level.

Revenues Generated by the Proposed Project

Two one-time revenues (building permit and plan check fees) would accrue to the city during processing of the project's applications. However, these funds (approximately $61,000 - $64,000) are charged by the city to reimburse it for costs incurred in reviewing the project and as such represent no net gain to the City.

Ongoing revenues analyzed include property taxes, sales taxes, business license fees, utility users fees and several other miscellaneous sources. The net annual increase in municipal revenues resulting from the proposed project would be approximately $124,203 in the first year of full operation.

Comparison of Costs and Revenues

The forecast revenues would exceed costs of providing services to the project. General fund revenues of roughly $99,000 would exceed expenditures by departments with general fund allocations (if general government costs are added) in by more than $90,000 annually. Additionally, some $25,000 in revenue to specific facilities and programs would result.

Given provisions of Proposition 13 (1978) that the assessed value of taxable property can rise by only up to two percent annually (until the time of sale), a general decline in the level of the positive fiscal impact could occur over time.

CUMULATIVE AND GROWTH INDUCING IMPACTS OF THE PROJECT

Impacts

The analysis and mitigations presented throughout this report take into account the approved, planned or proposed projects in the vicinity of the proposed project in a direct and site-specific manner. Impacts from these cumulative developments have been added to the existing conditions in the quantitative analysis of traffic, air quality and noise impacts, and the recommended mitigations are based on the total effect.

Discussed below at a more general level are those impacts likely to be experienced in the study area resulting from the second level of large-scale cumulative development and growth-inducement (principally related to the Emeryville Bayfront and Berkeley Waterfront). These impacts, however, are very difficult to forecast both because of the geographic separation of the site from the two waterfront areas and the uncertainty regarding implementation of those plans.

Cumulative Impacts. Analysis of the cumulative traffic impacts of the large-scale waterfront plans shows that the Berkeley Waterfront Plan would have only a modest impact on the intersections of Ashby Avenue with San Pablo Avenue and with Seventh Street. An even less noticeable impact would result at the intersections of Seventh Street with Anthony Street, Heinz Avenue and Dwight Way.

However, the much larger Emeryville Bayfront Plan would have a greater adverse effect. Allowable development there could add over 1,000 PM peak hour vehicles to the intersection of Ashby Avenue and Seventh Street (representing about 52 percent of the total forecast vehicular volume). At other critical intersections in the vicinity of the Durkee site, buildout of the plan would also add between 200 and 300 vehicles (representing between 17 and 33 percent of the total forecast volume) at the peak hour. (These cumulative impacts are discussed in detail in the Cumulative and Growth Inducing Impacts Chapter).

It is unlikely the Ashby/Seventh intersection could accommodate this traffic without substantial improvements necessitating right-of-way acquisition and possibly the elimination of existing businesses at the intersection. Another outcome would be a considerable increase in north/south traffic through both the San Pablo Avenue and Seventh Street corridors in Berkeley.

Though a quantitative forecast of cumulative sub-regional air quality impacts resulting from implementation of the large-scale plans is beyond the scope of this EIR, it should be noted that the forecast traffic volumes could lead to similarly large vehicular emissions.

Cumulative noise impacts are not expected to noticeably worsen at the project site due to its location away from Seventh Street.

Cumulative land use changes in the larger study area are not in and of themselves an adverse impact. The beneficial and adverse aspects of these changes are for elected and appointed decisionmakers to weigh.

Growth Inducing Impacts. It is unlikely the proposed project would cause the rate of private redevelopment in southwest Berkeley (a trend which has been evident for several years) to increase. There is already a great deal of leaseable space approved for small to medium size office, light industrial and other commercial uses.

Induction of individual developments of a larger scale will be more strongly influenced by the two waterfront plans.

CHAPTER III

PROJECT DESCRIPTION

PROJECT LOCATION

The project site is located in the southwest corner of the City of Berkeley, roughly between Heinz Avenue and Anthony Street on both sides of Fifth Street. The Southern Pacific railroad tracks form the western edge of the site. Figure 1 shows the regional location and project site.

Ashby Avenue (State Route 13) can be accessed about two blocks south of the site. It intersects Interstate 80/State Route 17 at a distance of slightly over one-half mile from the site. Aquatic Park (a municipally maintained bayfront park and brackish lagoon of roughly 95 acres lying east of the freeway) begins one hundred yards west of the project site. The neighborhood surrounding the site includes light industry, offices, retail and residential uses.

Throughout this report a distinction will be drawn between the project site and a less formal geographical area which will be referred to as the larger study area. This larger study area is outlined in Figure 2 and shown in the aerial photo (Figure 3).

PURPOSE

The proposed Aquatic Park Center project by Wareham Development of San Rafael would be a mixed-use project on a site which was designated as a landmark by the Berkeley Landmarks Preservation Commission in September 1985.

Two Scenarios

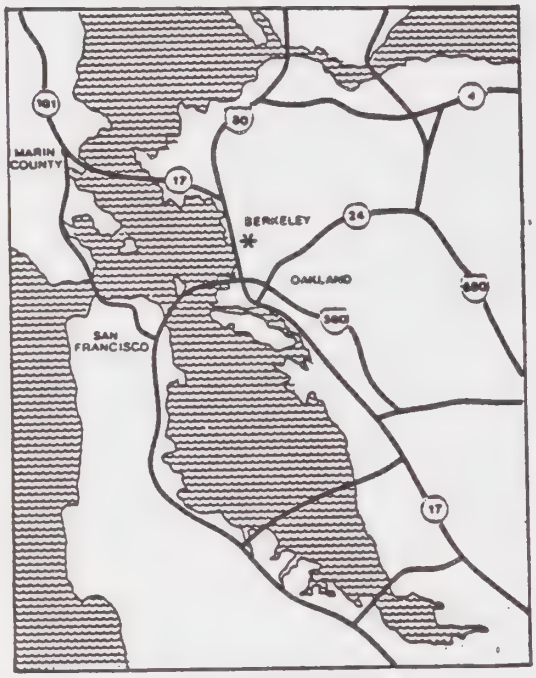
The project to be analyzed under CEQA law and guidelines consists of two scenarios under consideration by the applicant. The differences between the two scenarios center on proposed development of the eastern portion of the site, south of the Durkee Building and near the existing Spice Building, though other variations are also described below.

Both scenarios propose to renovate the Durkee Building for use as a combination of office space, artists' studios, a restaurant and a theater for the performing arts. In addition, a parking structure for 90 vehicles and a pedestrian bridge over the Southern Pacific railroad tracks to Aquatic Park are proposed.

Scenario One. This potential development is intended to provide for the continued use of the Durkee Building and for office space of two types. One of the two office buildings has been designed to accommodate the spatial and security needs of a specific tenant, Educational Testing Service (ETS) of Berkeley. The other office building would provide space for as yet undetermined tenants.

FIGURE 1

PROJECT LOCATION



AQUATIC PARK CENTER (DURKEE SITE)

FIGURE 2

STUDY AREA



PROJECT SITE

AQUATIC PARK CENTER (DURKEE SITE)

0 200 500 feet

FIGURE 3

AERIAL PHOTOGRAPH



PROJECT SITE

AQUATIC PARK CENTER
(DURKEE SITE)

Scenario Two. Scenario Two would become the proposed project should the intended prime tenant of Scenario One decide to locate elsewhere. Under this proposal, the office building designed for ETS would be eliminated; instead, the Spice Building would be retained and renovated, and two one-story mixed-use buildings would be constructed adjacent to it.

According to the applicant, the mixed-use buildings will probably be comprised of roughly 85 percent light industrial and R&D uses and 15 percent retail uses.

Environmental Review of Both Scenarios

The environmental impact analysis presented in this document addresses both of the applicant's scenarios as the CEQA "project".

As described below, a large portion of the building program remains substantially the same under both scenarios. Where environmental impacts would not vary significantly, the two scenarios are analyzed jointly. Environmental impacts which would vary are described under separate headings for each scenario.

GENERAL DESCRIPTION

Building Program

The project has been designed by de Tienne Associates (of San Francisco), project architects. Because the architect's designation of project components differs for the two scenarios (A-E for Scenario One and A-G for Scenario Two), the proposed structures are referred to throughout this report as shown in Table 1.

In addition, the building program includes three and four at-grade parking lots for Scenarios One and Two respectively, and landscaped open space.

Site and Building Plan

The project site is approximately 5.75 acres. Figure 4 shows the site's existing (and demolished) structures and site plan. Figures 5 and 6 show the proposed site plan for the project, under each of the scenarios. (Figures 4 through 13 begin on page 23.)

As shown, the placement of the proposed structures would create a linear open space area through the middle of the site. Pedestrian traffic would be routed through the site on pathways connecting each of the buildings.

In addition to the buildings which comprise the project, an existing structure (Garr Land & Resources Management, Inc.) fronts on Heinz Avenue and is located within the general rectangle of the project site. This building is located outside the project boundaries.

Table 1

Project Data

Scenario One (ETS as prime tenant)		Scenario Two (ETS not a tenant)	
Building	Size (sq. ft.)	Building	Size (sq. ft.)
Durkee Building	24,000	Same	24,000
New east office building	50,000	Two new mixed-use buildings	37,056
New west office building	53,600	Same	53,600
Parking garage (90 spaces)	38,000	Same	38,000
Pedestrian bridge	n.a.	Same	n.a.
[no Spice Building]	-	Spice Building	13,500
Total square footage	165,600		166,156
Leaseable square footage	127,600		128,156
Parking: Required and Provided		Parking: Required and Provided	
127,600 sq. ft. @ 2 spaces per 1,000 sq. ft. = 255 required stalls		128,156 sq. ft. @ 2 spaces per 1,000 sq. ft. = 256 required stalls	
255 stalls are proposed in Scenario One		272 stalls are proposed in Scenario Two	
Loading Dock Requirements		Loading Dock Requirements	
127,600 sq. ft. @ 1 dock per the first 10,000 sq. ft. and 1 dock per each additional 25,000 sq. ft. = 6 required loading docks		128,156 sq. ft. @ same requirements = 6 required loading docks	
3 loading docks are proposed		7 loading docks are proposed	

Sources: deTienne Associates and City of Berkeley

The renovation of the 24,000 square foot Durkee Building is proposed to retain the structural exterior, with the exception of some minor entry modifications to provide for handicapped access. Within the Durkee Building one structural column is planned for removal to accommodate the needs of the Jewish Community Theatre. A restaurant of approximately 3,000 square feet is also included. Figure 7 shows elevation views of the renovated building.

The new west office building (53,600 square feet) would be a two-story steel frame and concrete/glass wall building located in the western third of the site, and taking advantage of the views from the building to Aquatic Park and San Francisco Bay (see Figure 8).

The proposed pedestrian bridge would consist of a pair of steel frame stair towers and a steel box truss bridge adjacent to the site's northwestern edge on city right-of-way. According to the project architect, the architectural character of the bridge would be similar to the industrial design established at the site. (See Figure 9 for elevation drawings of the bridge and Figure 10 for a site plan of how the bridge could tie into the existing walkway at Aquatic Park.)

The parking garage would be located in the middle third of the site adjacent to the southern boundary, just west of Fifth Street. The garage would be a two-story concrete structure accommodating approximately 90 vehicles on one interior level and a roof deck. Figure 11 illustrates how the garage would look in elevation.

Scenario One. Under Scenario One, the new east office building (50,000 square feet) would be a one-story steel frame and concrete tilt-up structure in the shape of an L on the south and west sides of the Durkee Building. This building is intended for use by the Educational Testing Service (ETS). The exterior is described by the project architect as reflecting the detailing and character of the Durkee Building. The existing smokestack would be retained as a focal point on the site, and would be surrounded by a glass pavilion at the entry to this building (see Figure 12 for elevation view).

Scenario Two. This scenario includes six structures. The Durkee Building, the parking garage and the new west office building remain the same in this scenario.

The design of structures facing the Durkee Building on the east and south would be modified under Scenario Two. The new east office building would instead be proposed as two one-story mixed use buildings (comprised of industrial, research & development, and retail space) forming wings to the north and west from the Spice Building. According to the project architect, the spaces to be rented are intended for "incubator" industries and offices. The design of these structures would allow preservation and renovation of the Spice Building. Construction of a partial mezzanine level within the Spice Building would increase its rentable space to 13,500 square feet. Figure 13 provides an elevation drawing of this set of buildings.

Construction Program

Scenario One. The construction cost for the buildings in Scenario One would be approximately $8,233,000.

Scenario Two. The construction cost for the buildings in Scenario Two would be approximately $8,305,000.

These cost estimates do not include land costs or the costs of landscaping, infrastructure provision, or fees and permits. The project's total value for purposes of property taxes would be based on valuation techniques described in the fiscal impacts section of this report.

Construction is currently estimated to last approximately eight months.

Landscaping

It is the project sponsor's intention to engage a separate landscape design firm to prepare a landscaping plan for the proposed project. The site plans shown in Figures 4 and 5 illustrate the project sponsor's preliminary plans for landscaping the site.

Circulation

It is proposed that Fifth Street be extended through the site, providing access to the eastern side of the parking garage and at-grade parking near the Durkee Building. As shown, the extension of Fifth Street would be a private street maintained by the property owner. In addition, an interior roadway is proposed to stem from Heinz Avenue and access the at-grade parking across from the new west office building and the northwestern corner of the parking garage.

Vehicular traffic arriving at or departing from the project site would use Seventh Street and Anthony Street to Fifth Street and into the project, or Heinz Avenue to one of the access points on that side of the project.

The major differences in circulation between Scenarios One and Two stem from the placement of at-grade parking lots. Scenario One includes two parking lot entrances off of Heinz Avenue and one delivery entrance to the new east office building. Scenario Two shows a parking lot entrance on Heinz Avenue to an at-grade parking lot between the Durkee Building and new mixed use building and adds delivery entrances to the Spice Building and adjacent new mixed use building stemming from Fifth Street. (See Transportation, p. 76 for more detailed description of onsite circulation.)

The total amount of parking to be provided in Scenario One includes 90 spaces in the garage and 165 in at-grade lots. Scenario Two includes the same number of garage spaces and slightly more (17) at grade, in the lot east of the Durkee Building.

Resident and Office Population

Scenario One. Employment in the new east office building (with ETS as the potential tenant) has been estimated by the project sponsor at 45 permanent and 150 temporary peak period employees. The majority of the permanent employees and approximately 80 percent of the temporary employees would be clerical/minimum wage level positions. (See Employment and Housing, pp.60 to 75 for further discussion.) These jobs would be relocated to the site from the existing ETS offices.

Based on similar office developments in the Bay Area, it is estimated that employment at the project's other office building would be approximately 188 total jobs. The renovated Durkee Building would generate 72 jobs. Permanent employment generation of 305 year-round positions and 105 peak jobs would be expected.

Anticipated rental rates for the new western office building are approximately $1.25 per square foot. According to the applicant, existing tenants in the Durkee Building have been offered a choice of two rent schedules, an offer which is at least partially dependent on the results of a city

determination of whether local ordinances governing residential conversion and rent levels apply to Durkee tenants (see pp.72 and 74 for discussion of this issue). Existing tenants agreeing to use their space for commercial purposes only would pay approximately $0.30 per square foot while tenants seeking to maintain a live/work unit would pay $0.50 per square foot. Renters would be responsible for utilities in either case and would be subject to an annual 5 percent or 8 percent adjustment annually for commercial space or live/work space respectively.

Scenario Two. Employment generated by the total project in this scenario would be approximately the same as that of Scenario One. However, the jobs would tend to be year-round when compared with the composition of the ETS workforce (70 percent temporary peak positions). (See Employment and Housing, pp.65 to 69 for further discussion.)

Anticipated rent levels for the new mixed-use buildings would be approximately $0.65 per square foot. The offer to existing Durkee Building tenants would apply under Scenario Two as well.

REQUIRED ACTIONS FOR PROJECT APPROVAL

A number of approvals and other reviews would be necessary in order for construction to begin on the proposed project. These are specified below in the order they would typically occur. This list may be modified by the City. This EIR applies to all approvals and analyzes their impacts; the EIR would be completed and certified prior to the first discretionary approval.

1. Certification of the Final Environmental Impact Report (EIR)

2. Demolition Permit(s) and Project Approval from Landmarks Preservation Commission (LPC)

3. Use Permit from Board of Adjustments

4. Consideration by the Design Review Sub-committee of the Parks and Recreation Commission.

5. Approval of Pedestrian Bridge Design from State Public Utilities Commission (PUC)

6. Street Vacation for Pedestrian Bridge Requiring Approval of Transportation and Planning Commission

7. Issuance of Building Permit

BACKGROUND DOCUMENTS

Though proposed in late 1985, this development has already been the subject of many official and informal meetings. Several background documents prepared by city staff as well as consultants for the project sponsor contain information on the proposed project.

Initial Study

An Environmental Initial Study was prepared by the City of Berkeley in accordance with CEQA Guidelines. (See Appendix A of this report.)

Landmarks Preservation Commission Memoranda

Two memoranda from the Landmarks Preservation Commission to the Mayor and Members of the City Council provide background information on the designation of the Durkee site as a Berkeley landmark: the designation memo itself (September 10, 1985) and supplemental staff report on the appeal of that designation by a representative of the project sponsor (September 18, 1985).

Technical Background Reports

An archeological record search was conducted by the California Archeological Inventory (January 17, 1986) and the results provided to the city (via de Tienne Associates, project architects) in a memo (see Appendix B).

A series of analyses and progress reports have been prepared regarding conditions of onsite soils and potential for hazardous wastes. Reports from Engineering-Science were prepared on the following dates: October 9, 1985; December 19, 1985; January 20, 1986; February 3, 1986; and April 18, 1986. In addition, a more specific analysis of the 500 Heinz Avenue truck wash operation was conducted by Harding Lawson Associates (n.d.). Recent memos are included as Appendix D.

A foundation feasibility investigation was prepared by Peter Kaldveer and Associates, Inc., Geotechnical Consultants, in October 1985.

Preliminary analysis of traffic was undertaken by Barton-Aschman Associates, Inc. for an earlier configuration of two new office buildings.

These technical studies form part of the EIR and are incorporated herein by reference.

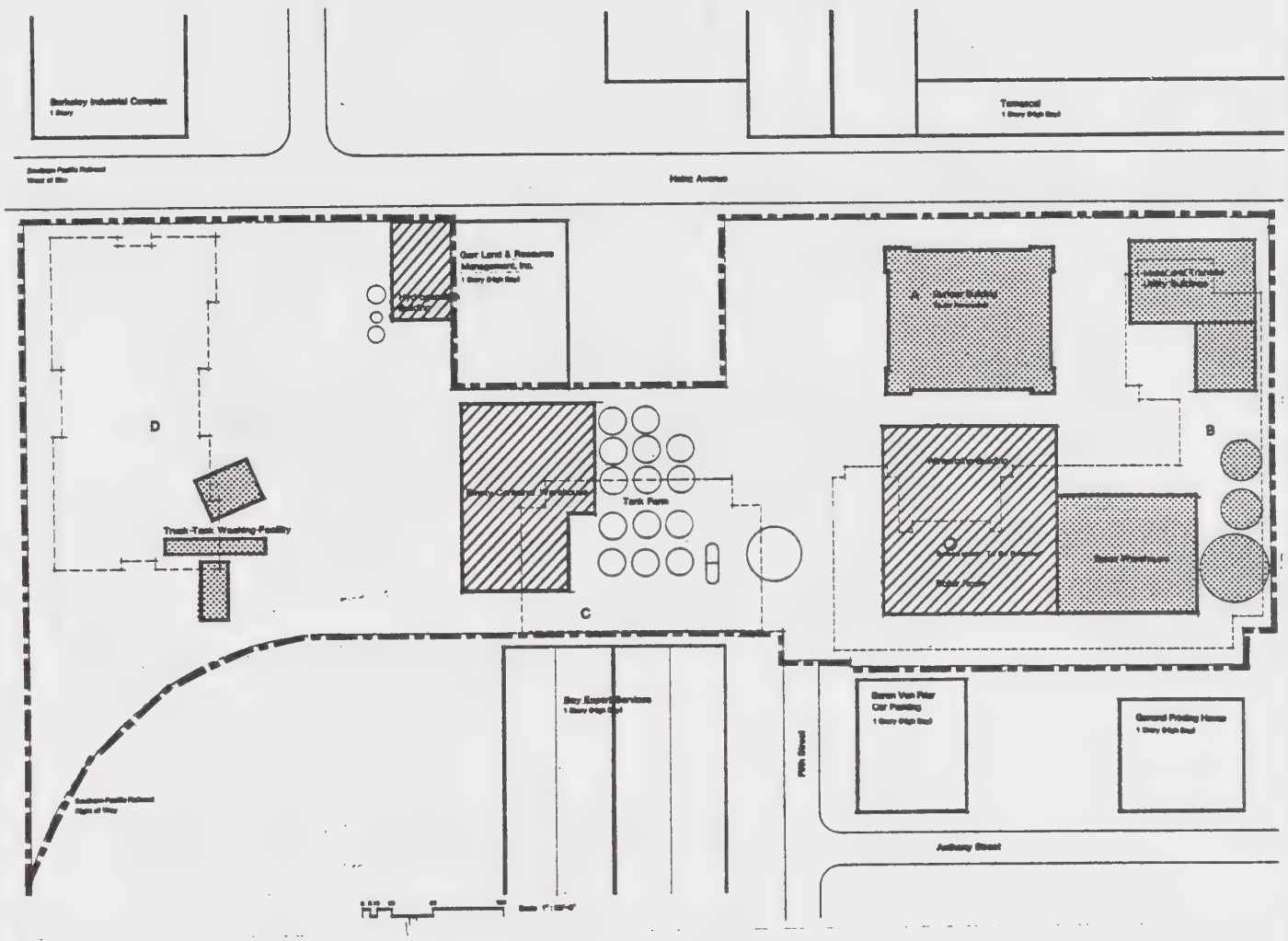
Project Architect Materials

The major report prepared by de Tienne Associates for development and environmental review of the proposed project is titled Aquatic Park Center Environmental Impact Review (October 8, 1985). This document contains the application by the project sponsor for an environmental initial study and a supplemental narrative to that application; a use permit application; copies of the preliminary traffic and soils analyses; and several exhibits.

A second document prepared by de Tienne Associates (February 5, 1986) provides responses to a series of questions asked by the Durkee Site Task Force and includes additional exhibits.

FIGURE 4

EXISTING SITE



EXISTING BUILDING (Still Standing)

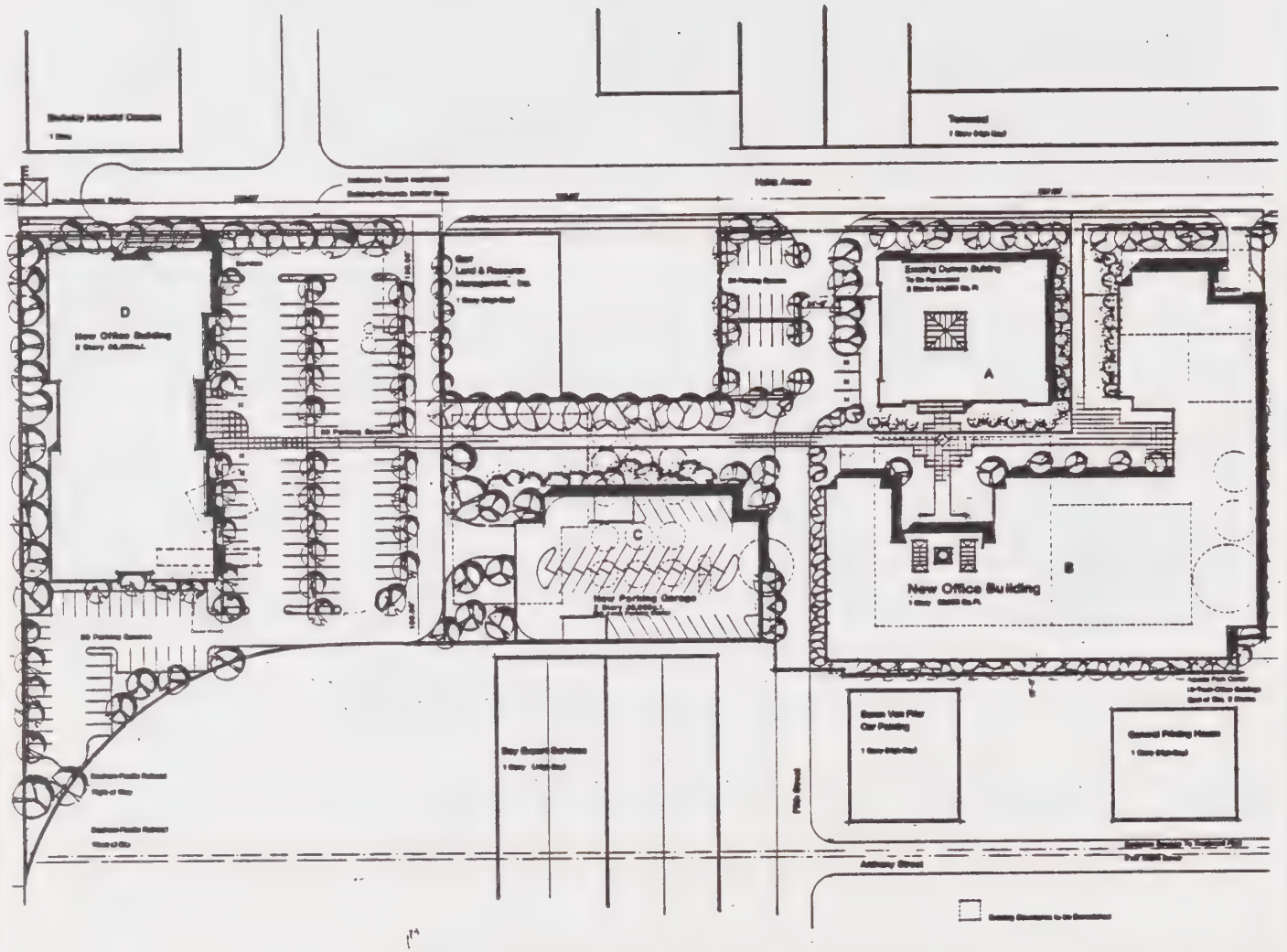
DEMOLISHED BUILDING

AQUATIC PARK CENTER (DURKEE SITE)

0 50 100 feet

FIGURE 5

PROPOSED SITE PLAN: SCENARIO ONE

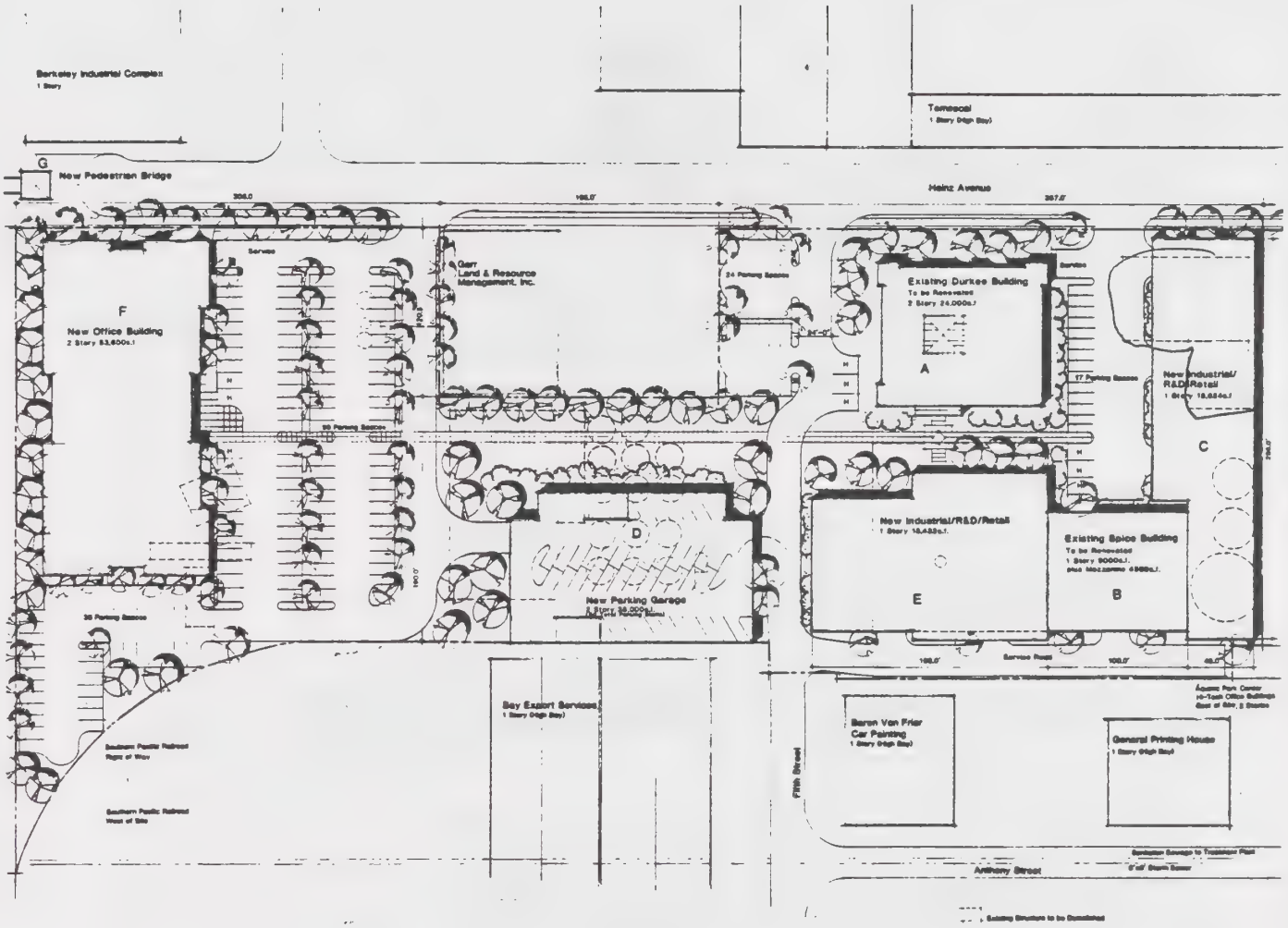


AQUATIC PARK CENTER (DURKEE SITE)

0 50 100 feet

FIGURE 6

PROPOSED SITE PLAN: SCENARIO TWO



AQUATIC PARK CENTER (DURKEE SITE)

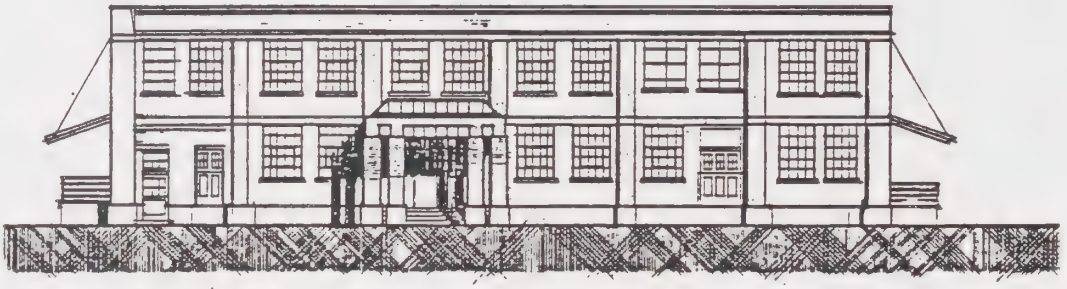
0 50 100 feet

FIGURE 7

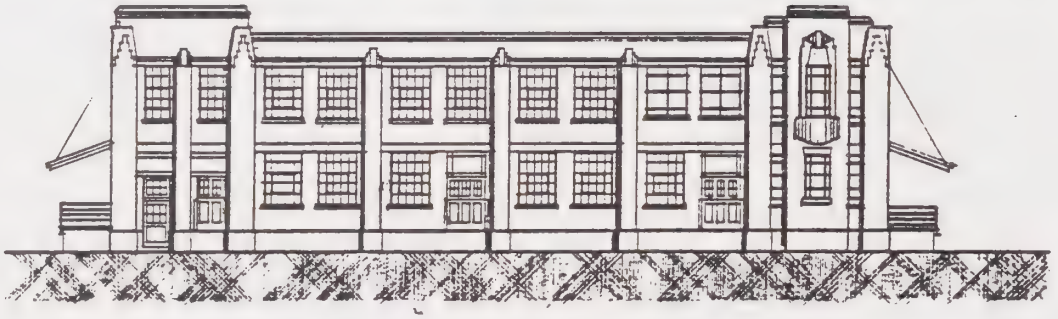
ELEVATIONS: RENOVATED DURKEE BUILDING (BOTH SCENARIOS)



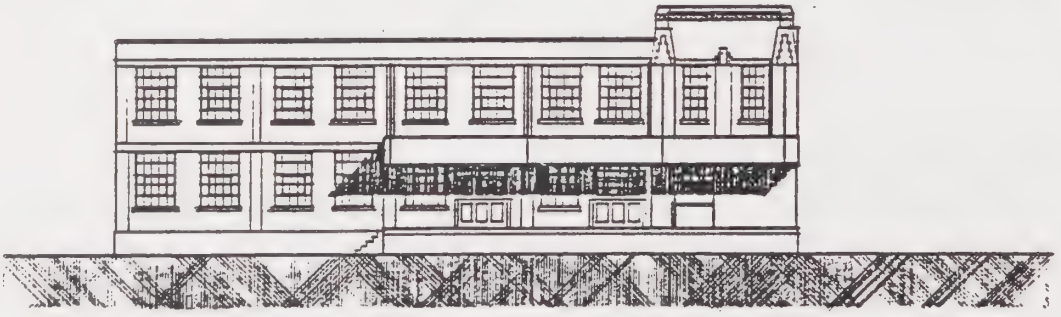
WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION

AQUATIC PARK CENTER
(DURKEE SITE)



FIGURE 8

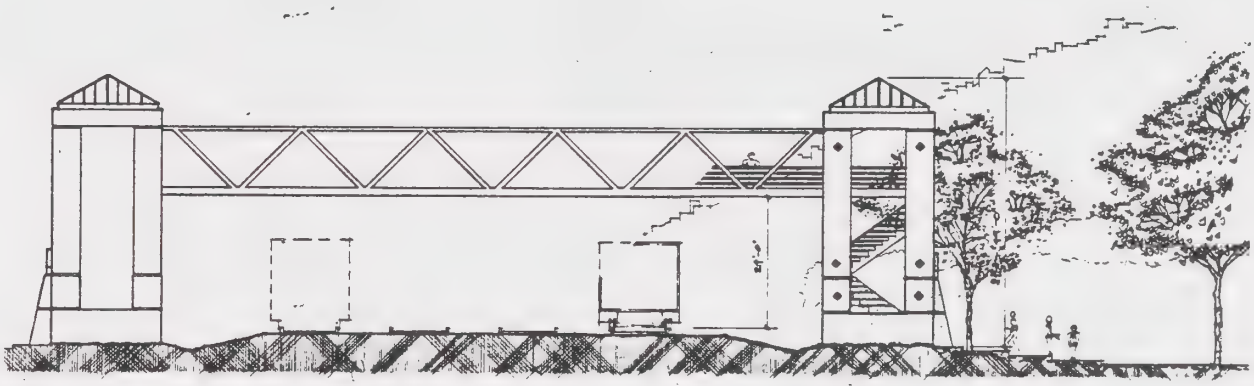
ELEVATION: NEW WEST OFFICE BUILDING (BOTH SCENARIOS)



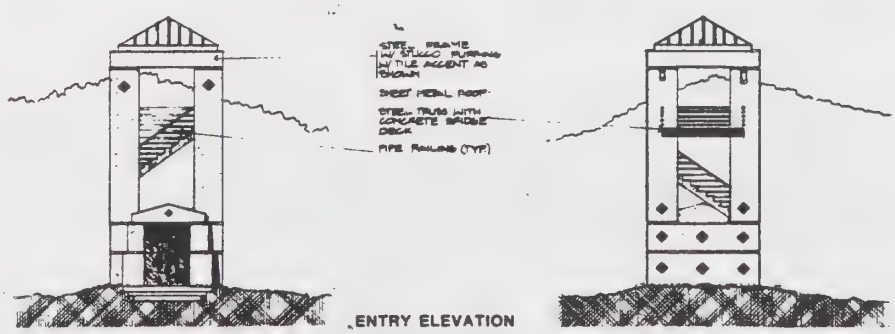
EAST ELEVATION

FIGURE 9

ELEVATIONS: PEDESTRIAN BRIDGE (BOTH SCENARIOS)



SECTION THROUGH RAILROAD tower to tower span 100'



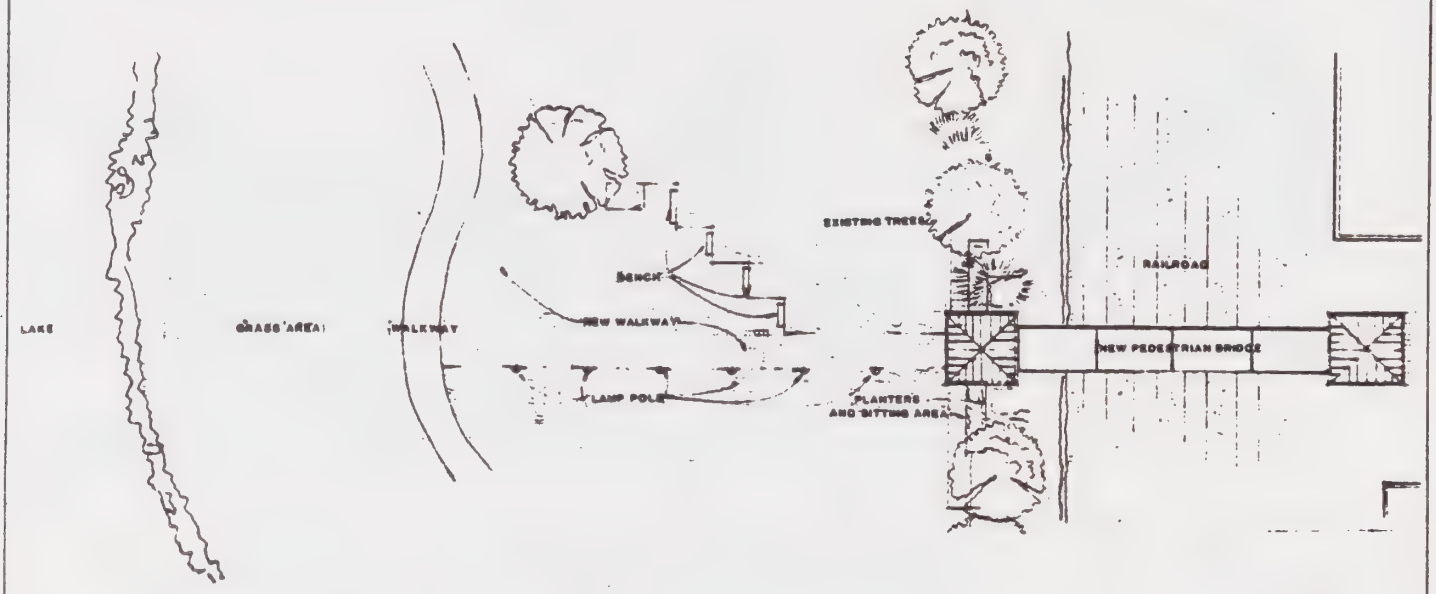
ENTRY ELEVATION

AQUATIC PARK CENTER (DURKEE SITE)



FIGURE 10

SITE PLAN: PEDESTRIAN BRIDGE AT AQUATIC PARK (BOTH SCENARIOS)



AQUATIC PARK CENTER (DURKEE SITE)



FIGURE 11

ELEVATION: PARKING GARAGE (BOTH SCENARIOS)

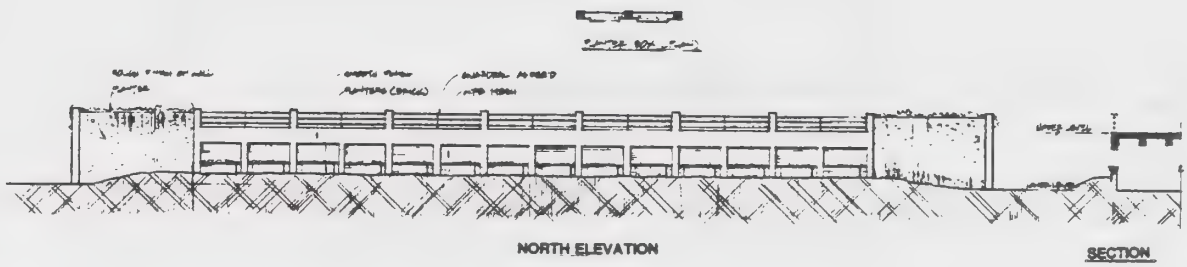
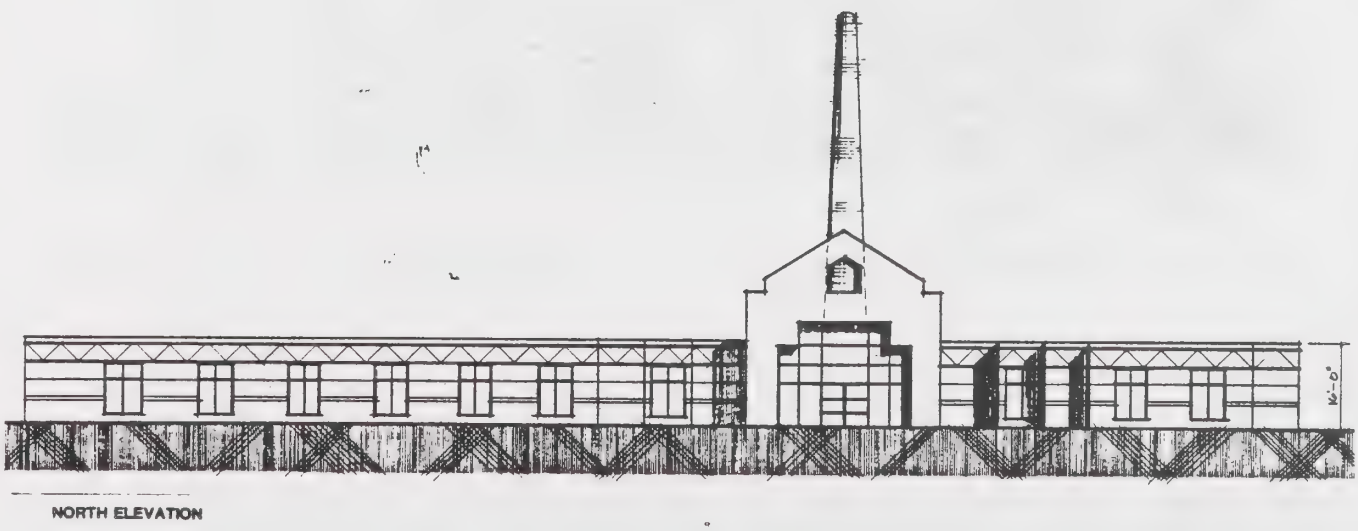




FIGURE 12

ELEVATION: NEW EAST OFFICE BUILDING (SCENARIO ONE)



AQUATIC PARK CENTER (DURKEE SITE)

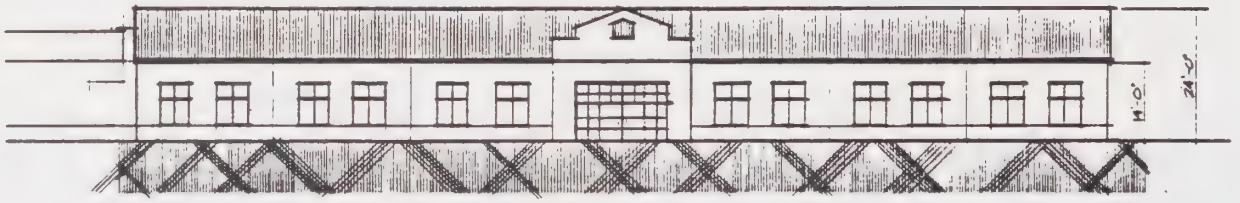


FIGURE 13

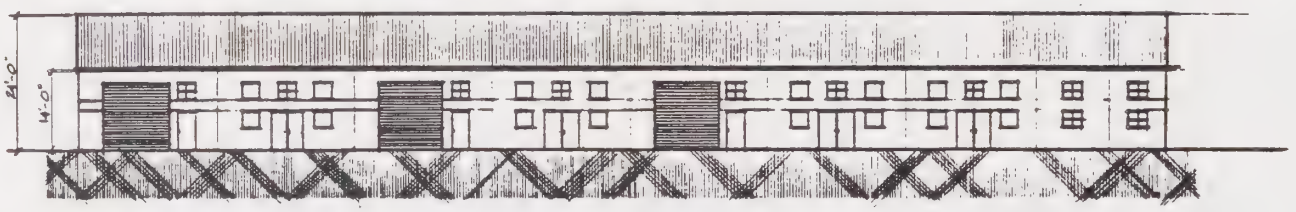
ELEVATIONS: NEW EAST OFFICE BUILDINGS AND SPICE BUILDING (SCENARIO TWO)



Spice Building North Elevation



Building "E" North Elevation



Building "C" West Elevation

AQUATIC PARK CENTER
(DURKEE SITE)



CHAPTER IV

ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

LAND USE PLANNING AND THE SITE'S LANDMARK STATUS

Historic Setting

The following descriptive and analytical material is based upon several sources of information including the Application Requesting Designation for Landmark Status (prepared by Betty Marvin, July 4, 1985); files of the Berkeley Architectural Heritage Association (BAHA); materials on file at the Oakland Museum; and discussions with members of the Landmarks Preservation Commission, neighborhood residents and employees of onsite businesses.

The application (Marvin, 1985), in particular, presents a detailed history of both the site and its architecture. Because this source is so complete, it is included as Appendix E to this report. The historic setting information summarized below is intended to provide an overview; readers specifically interested in information about the architects, building materials, previous uses, dates of construction (and demolition in some cases) of the buildings, should review Appendix E.

Industrial History of the Site and Vicinity. Portions of west Berkeley (the Oceanview district 10-12 blocks north of the site, for instance) began developing shortly after the Gold Rush in the 1850s, in port and industrial uses. The construction of the Central Pacific Railroad in 1877, which paralleled what is now San Pablo Avenue, greatly stimulated the area's growth. Further stimulus to growth came in 1901 when the San Pablo electric streetcar line was extended from Emeryville to University Avenue, allowing easy access for passengers from Berkeley to Oakland.

The San Francisco fire in 1906 caused some firms to relocate to the East Bay shoreline, with nodes of development appearing in Emeryville and portions of west Berkeley slightly north of the project site. The site and vicinity seem to have developed as infill between these nodes in the years that followed.

Library photos of the site indicate that Potter Creek was open at least into the late 1920s on and adjacent to the site.

Onsite Buildings. The earliest known buildings to occupy the site were built in 1916-17 for a subdivision of Stauffer Oil Company, known as the Vegetable Oil Company. The buildings known today as the Copra Building (located on the same block as the project but not included in it, and currently owned by Garr Land & Resources Inc.) and the recently demolished Boiler Room Building (the smokestack of which remains) are all that remain of these earliest structures. In fact, only the lower portion of the Copra Building was built in 1916-17. (Figure 14 shows the site in 1926.)

The site and buildings were acquired in 1929 by Durkee Famous Foods, a division of Glidden Foods. The Art Deco style Durkee Building was constructed and the buildings expanded. (Figure 15 shows the site in 1940.)

FIGURE 14 PHOTOGRAPH OF SITE IN 1926



FIGURE 15 PHOTOGRAPH OF SITE IN 1940



The physical plant expanded again after World War II when building permits were issued for the hydrogenation plant, cooling tower deodorizer, office/storage, electric sign and experimental kitchen, of which only the last remains. The plant was described in those days as the largest edible oil refinery on the Pacific Coast.

The plant ceased operations in 1974 and was acquired in 1977 by Agricom, another oil processing firm from San Francisco. Agricom operated the plant until declaring bankruptcy in 1984. During Agricom's tenure, portions of the site not in use for their industrial operations were rented for small businesses, live/work uses, and other light industrial uses.

The site was acquired by Wareham Development in 1985 and subsequent demolition activity has decreased the number of structures on the site to the present level.

Landmarks Preservation Commission Actions and Designation of the Site. A series of events between February and August of 1985 culminated in the Landmarks Preservation Commission's designating the Durkee site as a Berkeley Landmark. It should be noted that the entire site was landmarked, rather than any one specific building. The decision to landmark was subsequently appealed, unsuccessfully, by the owners, Wareham Development, to the City Council in September 1985.

Because of the high level of public involvement and controversy surrounding the designation, and the unique nature of the Berkeley Landmarks Ordinance, the following discussion focuses on these issues and introduces additional accepted environmental impact criteria used by professionals in evaluating sites and buildings for historic or architectural merit.

Chronology of Designation for Landmark Status. The chronology of events leading up to the Landmarks Preservation Commission (LPC) designation of the site as a landmark includes the following benchmark dates:

February 11, 1985	Two demolition permits improperly issued for onsite buildings.
February - June, 1985	Demolition proceeds at the site.
June 13, 1985	LPC initiates landmark proceeding on Durkee site in Special Meeting. Codes and Inspections Department issues a stop work order on demolition. [Wareham attorneys give date as June 7, 1985.]
June 17, 1985	LPC holds regular meeting, requesting City Manager to reinstate stop work order.
July 15, 1985	LPC public hearing on designation. Ten residents spoke in favor of site designation. R. Robbins representing Wareham Development requested the designation be limited to individual buildings only.

August 6, 1985	LPC designated the Durkee complex a historic Berkeley site. Discovery of toxic substances revealed by Chief of Environmental Health Dept.
August 20, 1985	R. Robbins files appeal challenging LPC's designation.
September 10, 1985	City Council refers appeal back to Commission so that staff can prepare complete appeal report.
September 16, 1985	LPC clarified its intent on designation of Durkee complex as a landmark.

Berkeley Landmarks Preservation Ordinance. The Berkeley Landmarks Preservation Ordinance (Chapter 3.32, Municipal Code) is generally agreed by members of the Commission and the greater community of persons interested and persons active in matters of historic and architectural preservation to be relatively broad in its coverage and application. It has been described by several knowledgeable Berkeley residents as encompassing the protection of historic cultural and lifestyle characteristics of the community as well as architecturally significant structures.

In choosing to designate a structure or site as a landmark, the Ordinance sets forth five general criteria: 1) architectural merit; 2) cultural value; 3) educational value; 4) historic value; and 5) any property listed on the National Register of Historic Places (Sec. 3.24.110.A.1-5).

Applications for permits to undertake work on a landmark site are subject to review standards and criteria which are specifically set forth in Section 3.24.260. These standards address exterior features of structures and major interior architectural features. Also addressed are the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting.

Requests for demolition are considered on the basis of the condition of the structure(s), the feasibility of preserving or restoring the structure(s) and after balancing the public interest of preservation and the interest of the owner in other use.

Decision and Rationale. In designating the Durkee site a landmark, the LPC included three reasons in their motion:

1. The "Durkee Complex" is an example of Berkeley's early industrial beginning.

2. Its value as a reminder to the neighborhood and city as a whole of economic and cultural growth of this section of the city.

3. In particular, to recognize the unique architectural and industrial style of 800 Heinz (Durkee Building).

The transcript or taped proceedings of that LPC meeting (August 6, 1986) includes testimony, by neighborhood residents and tenants of the Durkee Building, which has been described by one Commission member and persons attending the scoping session on this EIR as being eloquent and convincing.

Criteria Used by Architectural Historians and Preservation Groups. Before describing the current setting at the site and nearby vicinity, it is important to further outline the context of the environmental evaluation of the site and the immediate community of tenants and nearby residents.

When the applicant (Wareham Development) sought a demolition permit and use permit in order to undertake the proposed project, the city determined that one of the areas the environmental impact report would investigate would be that of the architectural and historic resources on the site. From a CEQA point of view, this investigation takes two forms. The first addresses the issue of whether the applicant's proposal is consistent with (or could be mitigated through conditions of project approval to satisfy) the landmark designation. The second branch of this analysis is a professional evaluation of the Durkee site, the remaining buildings onsite, the character of the site and the fit of the project in terms of urban design with the existing site.[1]

While the first analysis takes as its base the Berkeley Landmarks Preservation Ordinance and the landmark designation of the site (which has been upheld on appeal to the City Council), the second analysis refers to state and national standards.

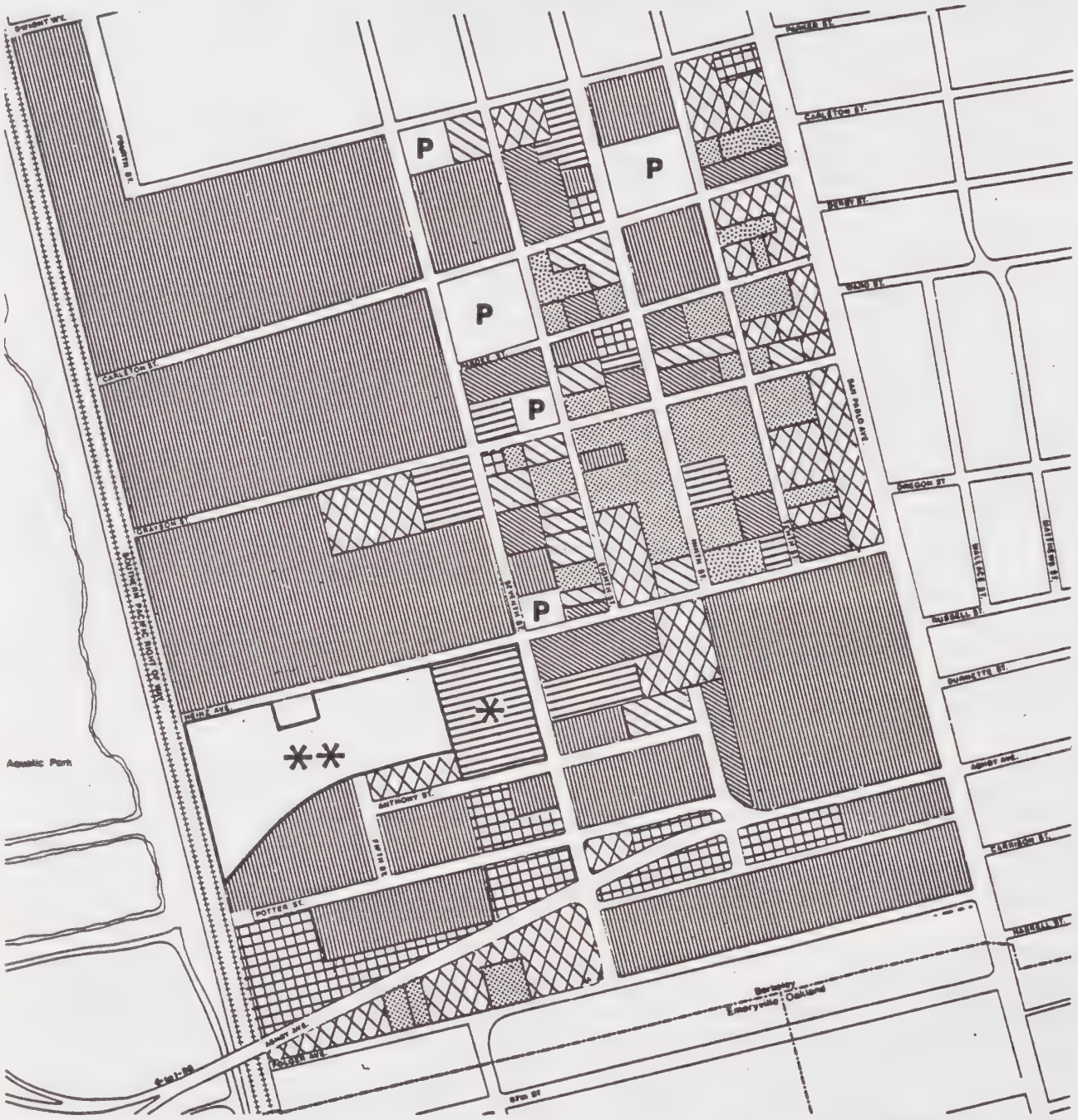
Current Setting

The existing land uses in the larger study area have been mapped as part of this report and are shown in Figure 16. An inventory of individual businesses located within this area was also compiled during a walking tour of the 31-block area. These businesses are listed and mapped by block in Appendix C (p.161). Figures 17 - 18 (photographs 1-13) show several typical views of the site's land uses and its surroundings.

Onsite Land Use. The project site is presently characterized by six structures (including those at the truck tank washing facility) with demolition taking place on a seventh. Figure 4 shows these structures along with nearby buildings. The Durkee Building is used as shop and office space by several artists and other small office users (e.g. a publisher, natural food company and lawyer). Three live-work tenants currently occupy space in the Durkee Building. (See Housing section, p.72, for further discussion of recent residential use of the Durkee Building.)

[1] This evaluation has been undertaken by Mr. Gray Brechin, Architectural Historian under contract to Mundie & Associates.

FIGURE 16 EXISTING LAND USES



- INDUSTRIAL/MANUFACTURING
- WAREHOUSING/DISTRIBUTION
- RETAIL/WHOLESALE/RESTAURANT
- OTHER COMMERCIAL
- PROFESSIONAL OFFICE/FINANCIAL
- SHOP AND ASSOCIATED OFFICE
- EDUCATIONAL/INSTITUTIONAL/RELIGIOUS
- RESIDENTIAL
- P PARKING LOT
- ** PROJECT SITE
- * INITIAL AQUATIC PARK CENTER

AQUATIC PARK CENTER (DURKEE SITE)

0 200 500 feet

FIGURE 17

LOCATION OF VIEWS

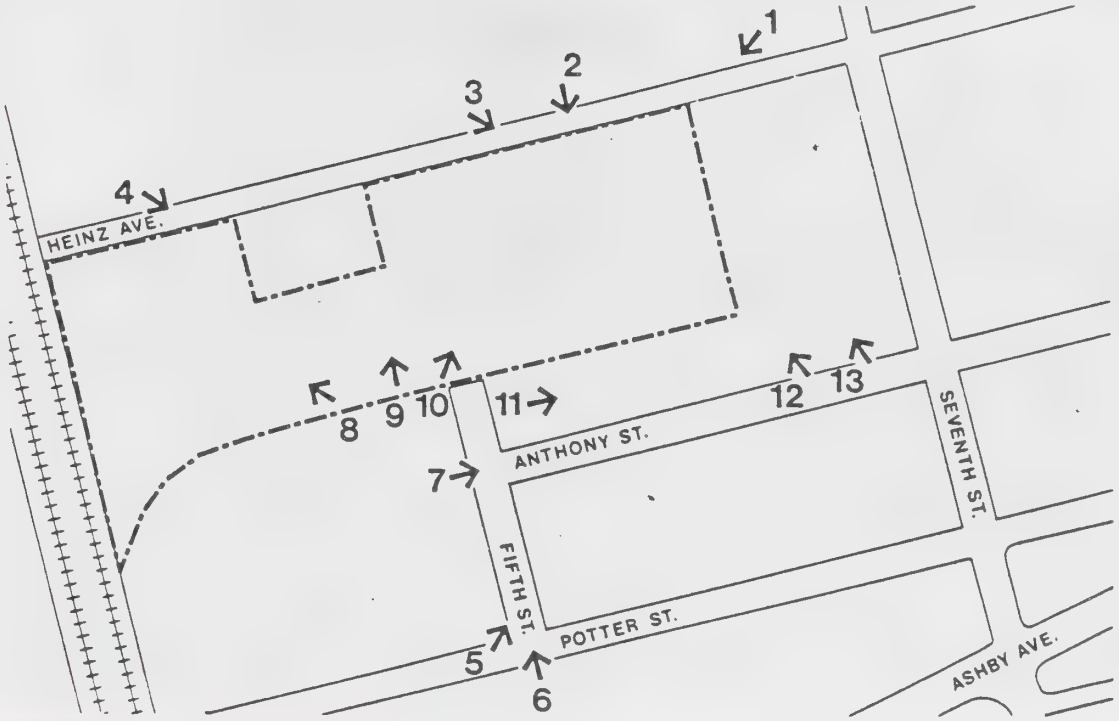


FIGURE 18

PHOTOGRAPHS OF SITE



Figure 18: Photographs of Site and Vicinity

Photo 1: View of Heinz Street Looking West



Photo 2: View of Durkee Building (and Corner of Utility Building) Looking Southwest



Photo 3: View of Utility Building (810 Heinz) Looking Southeast

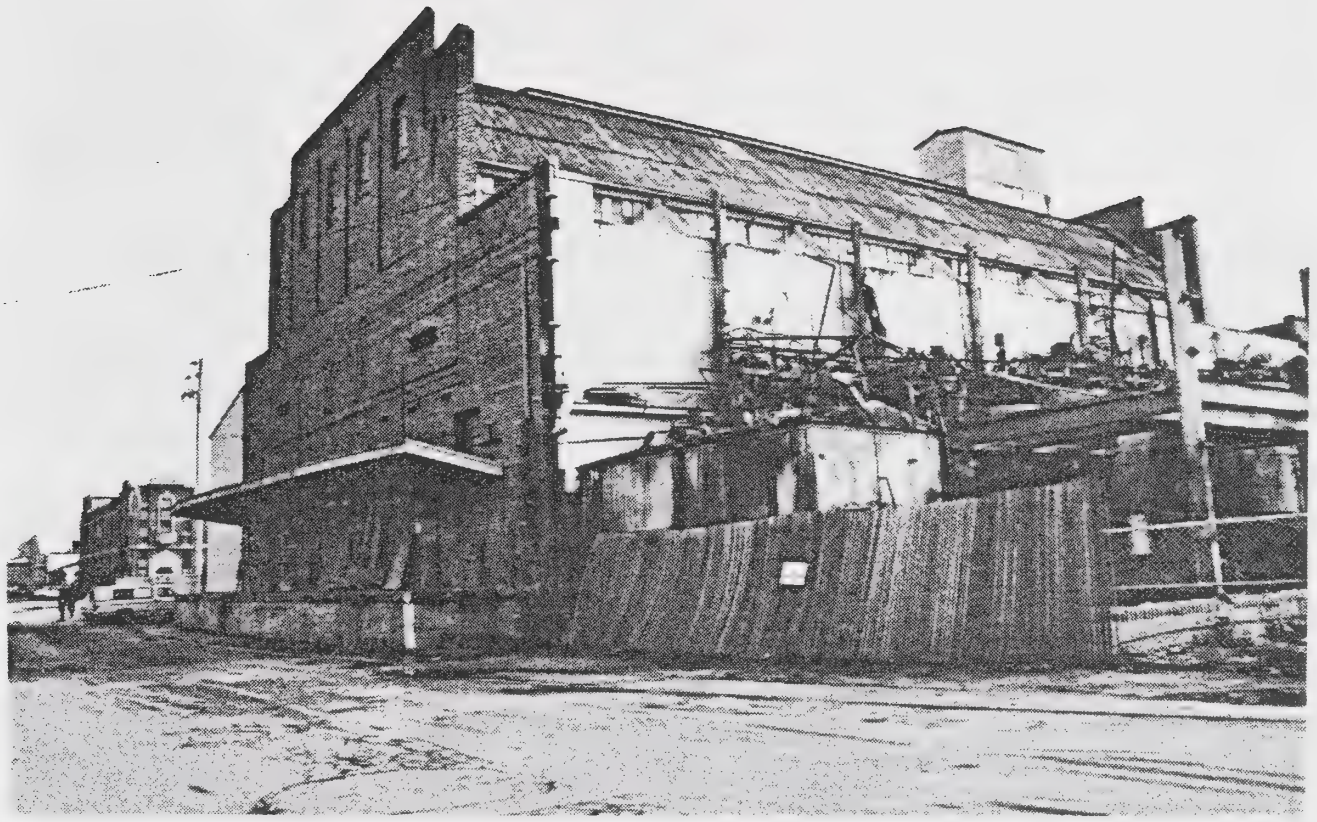


Photo 4: View of Garr Land & Resources (Copra) Building Looking Southeast

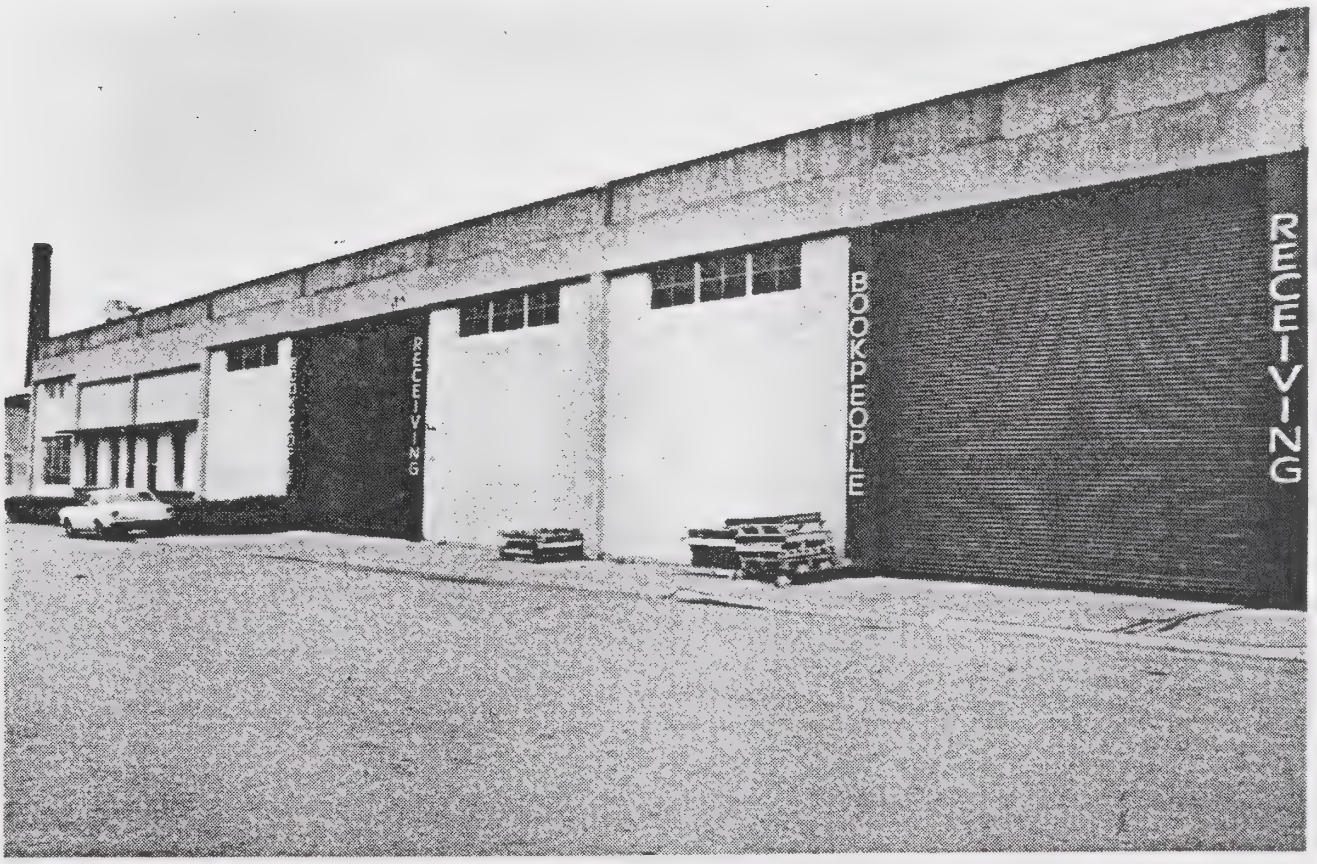


Photo 5: View of Bookpeople Receiving Entrances Looking Northeast



Photo 6: View of Fifth Street and Frontage Looking North Toward Site



Photo 7: View of Anthony Street and Frontage Looking East



Photo 8: View of Site Looking Northeast (Building on Left is Warehouse Demolished in 1985)



Photo 9: View of Site Looking North (Durkee Building on Right)

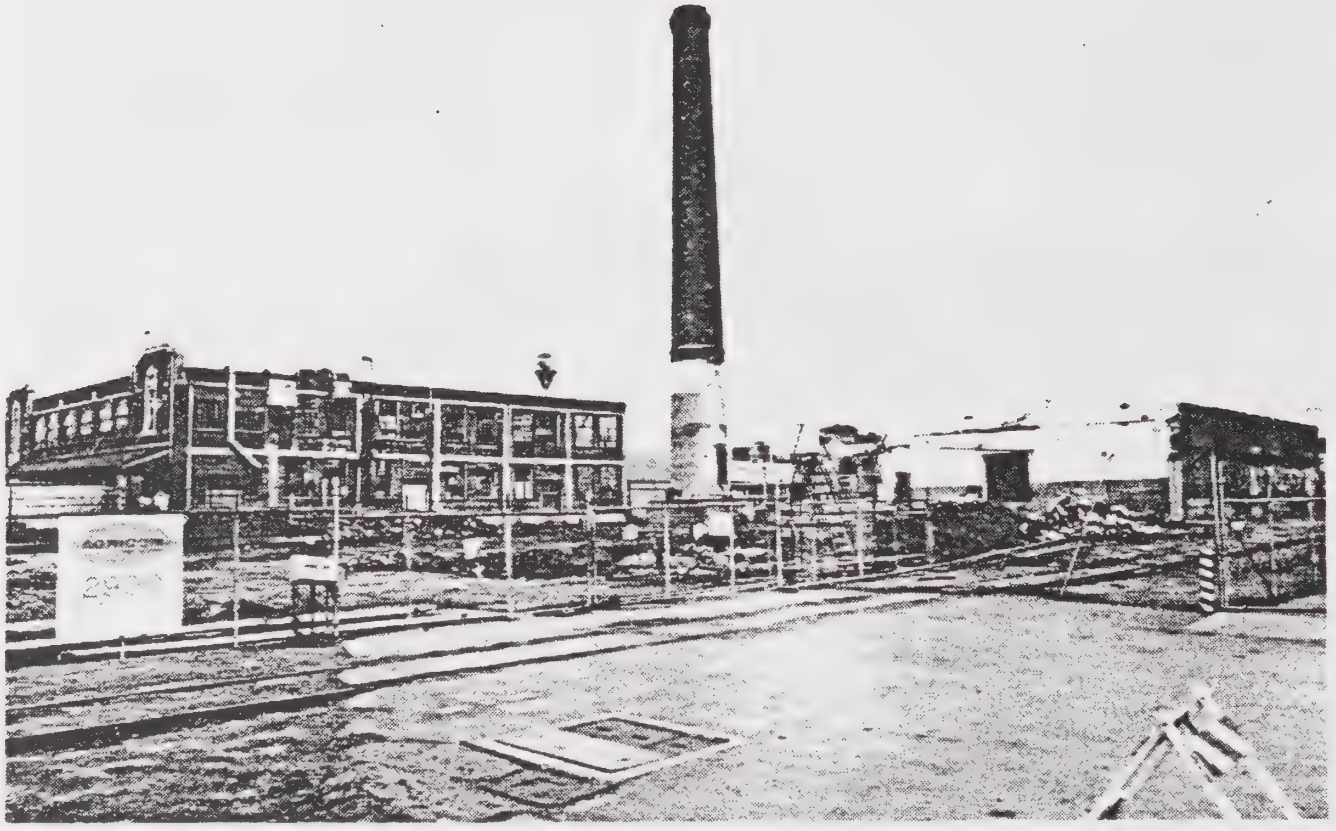


Photo 10: View of Site, Smokestack and Spice Warehouse, Looking Northeast

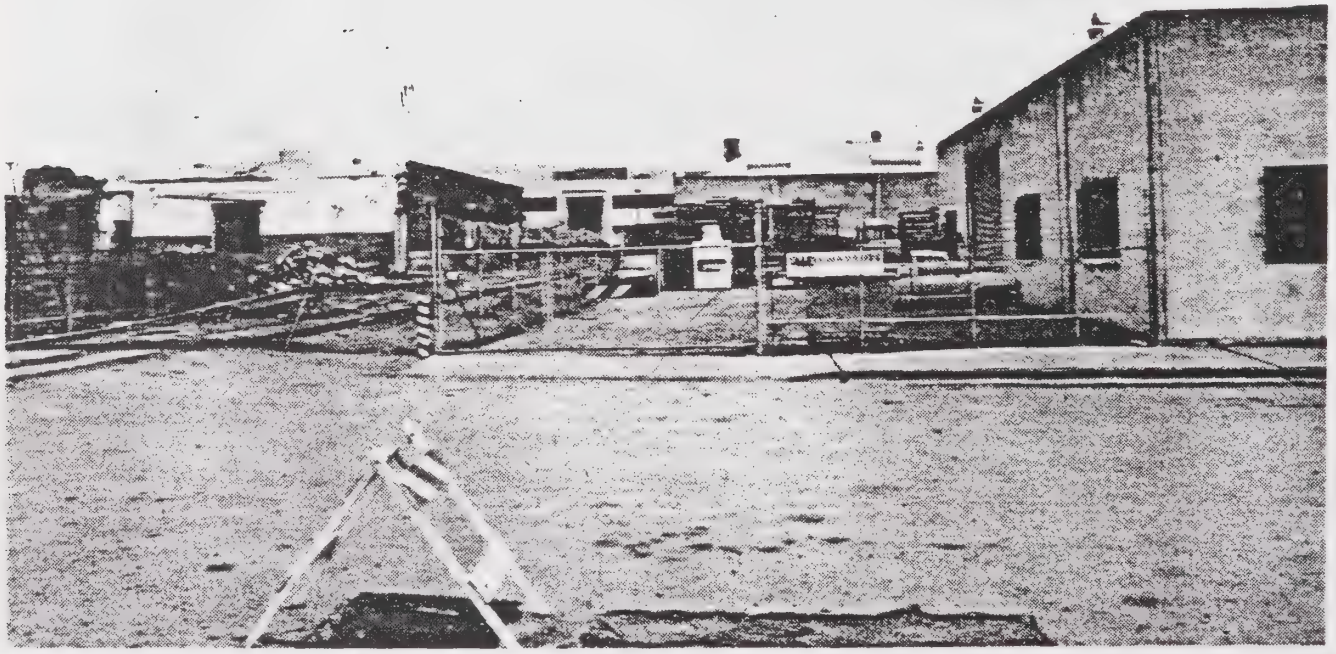


Photo 11: View of Spice Warehouse, S.P. R-O-W and Baron Von Frier Building

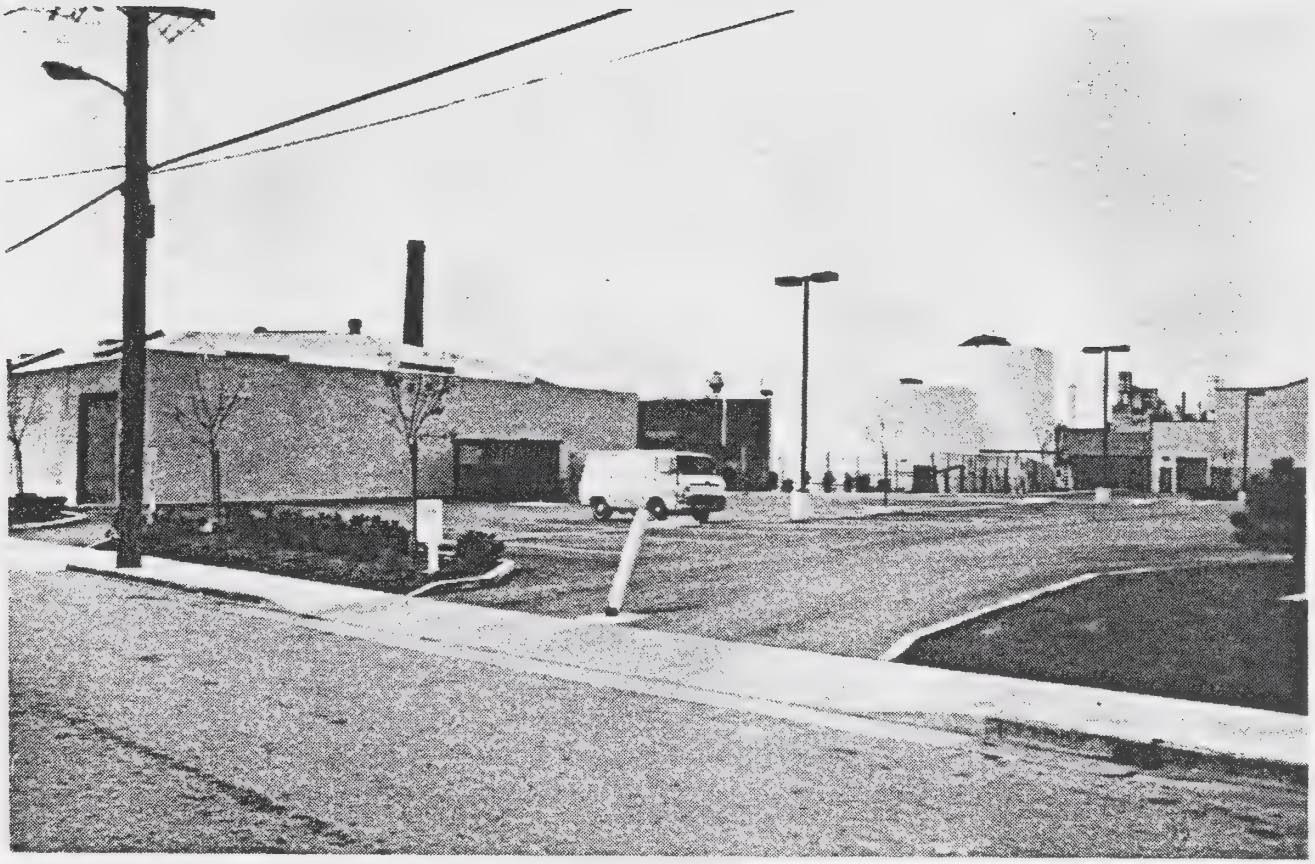


Photo 12: View of Onsite Tanks and Adjacent Parking Lot Looking Northeast

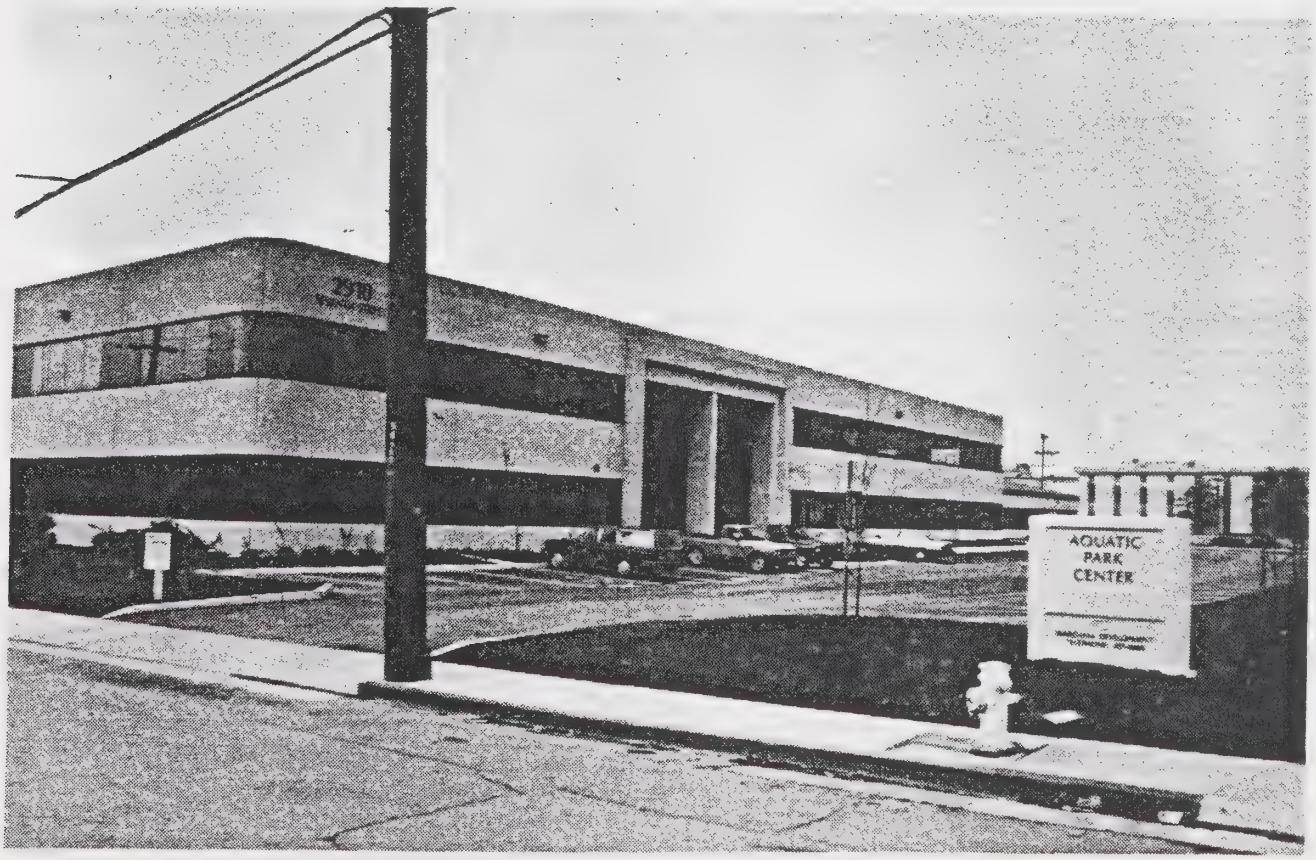


Photo 13: View of 2910 Seventh Street (Wareham Development) Looking Northeast



Photo 14: View of Winterizing Building at Demolition (1985)
Photo courtesy of Rick Auerbach

An auto repair shop occupies the building at 810 Heinz Avenue immediately east of the Durkee Building. Adjacent to 810 Heinz is a smaller structure, the Experimental Kitchen. Together, these two buildings are referred to in this report as the Utility Buildings. The Copra Building (Garr Land & Resources Management) is presently used for furniture distribution. While it is located on the same block as the proposed project, it is not included in the project.

The truck tank washing facility on the west end of the site is no longer in operation. During the first half of 1986, its operations resulted in up to one dozen combination truck/trailer rigs either parked on the street or in the washing area at any one time. The lease at this facility expired in mid-1986, and the current tenants have relocated to the City of San Pablo (Robbins and Makdisi, 1986).

The smokestack (proposed to be retained in Scenario One of the proposed project) is all that remains of the Winterizing Building, demolished in 1985 (see Photo 14). Adjacent to the footprint of that building stands the one-story high bay Spice Warehouse which is presently vacant.

Storage tanks are also located onsite at several locations (see Figure 4 for location of remaining tanks) and are in the process of being removed.

With complete demolition of the Winterizing Building in 1985 and the interrupted demolition of the Empty Container Warehouse (immediately south of the Copra Building), which now stands as a structural steel frame, the site is the scene of a great deal of structural detritus and residue left after the demolition. Stormwater ponding occurs at points on the site (see section on Hydrology and Water Quality for additional details).

It is important to note that these characteristics of the site are relatively recent in origin and stem from the activities of the project sponsor in the early stages of the development of the proposed project. (The site's recent history and actions of the Landmarks Preservation Commission as a result of onsite demolition are described above.)

Land Use West of the Project Site. Immediately west of the project site is the Southern Pacific right-of-way. Beyond the right-of-way, and accessed by pedestrians though the project site, is Berkeley's Aquatic Park, a lagoon surrounded by landscaped open space.

Land Use North of the Project Site. Across Heinz Avenue from the eastern half of the project site is located a tall one-story manufacturing plant operated by the Temescal Company. West of this structure is the Berkeley Industrial Center, a collection of light industrial, commercial and manufacturing uses.

Land Use East of the Project Site. Between Potter Street and Heinz Avenue, east of the project site, is the initial Aquatic Park Center lab space and office complex built by Wareham Development (2910 Seventh Street and 890 Heinz Avenue). These buildings are 44,000 and 24,000 square feet respectively, and according to the owner are presently over 90 percent occupied.

Land Use South of the Project Site. A printing facility and auto repair shop are located south of the Spice Warehouse and smokestack with addresses on Potter Street. Across Fifth Street to the west is the warehouse and distribution facility of Bay Export Services; here large trucks load from docks facing onto Fifth Street. Between this facility and the SPRR tracks is located an additional storage building.

Land Uses in Larger Study Area. As partially shown in Figure 16 and more fully presented in Appendix C, the land uses in the larger study area span a very wide range of types and intensities including the following:

- Single family residential
- Multiple family residential
- Convenience retail
- Fast food and other restaurant
- Specialty retail
- Construction supply
- Nursery and garden supply
- General retail
- Personal services
- Repair services
- Business supply
- Auto service/gas station
- Financial, insurance, real estate
- Business support services
- Professional services
- Medical and health care
- Parking
- Educational and cultural
- Community recreation
- Religious
- Custom manufacturing
- Light industry
- Research and development
- Wholesale and warehousing
- Heavy industrial

The study area's concentration of activities, which are both diverse and economically interdependent, give the neighborhood of the site a particular character that is unusual even in an urban setting like Berkeley. Local residents and tenants refer to an intangible quality in the existing land use mix that offers interest, convenience and excitement, and that makes this neighborhood special.

The layout of the Utility Buildings fronting on Heinz Avenue, the Durkee Building, the (demolished) Winterizing Building and the Spice Warehouse created a courtyard in which the tenants of these buildings would gather and through which they would enter their respective offices and shops. The courtyard has served in the past as a meeting place as well as a focal point for this community.

Discussions with members of a local community group, Merchants, Artists and Residents (M.A.R.S.) of southwest Berkeley as well as a thorough review of the minutes and progress made in the course of the planning process for a new West Berkeley Area Plan document suggest that this strong character may be affected by the kinds of changes which would occur on the Durkee site and nearby under proposals for other developments.

It is felt by residents that the safe and neighborly character of the area would be lost if new offices and more intense retail continue to be developed.

Land Use Trends. Much activity in the larger study area in recent years has involved the renovation of existing structures to serve a different purpose than they were originally designed to serve. Evidence of industrial and shop space being converted to office space for start-up firms or studio space for designers, printmakers and artists abounds.

In addition, office developments like the initial Aquatic Park Center, the Parker Plaza office complex and the Fantasy Records/Saul Zaentz Company block have been built, introducing a newer type of office or commercial building, though not a new type of land use.

Rent Levels and Displacement. There is some evidence of increased rent levels for commercial space in the larger study area near the project site, though a comprehensive survey of rents asked is beyond the scope of this reporting effort. Rent increases are a predictable byproduct of private redevelopment efforts of the type which have occurred on some blocks in the study area and would occur with or without the proposed project. While they can be the cause of displacement for some businesses, they often result from structural renovations which represent a real upgrading of properties. In other instances, gradual changes in land uses in the area can lead to these spillover effects without producing changes viewed as beneficial.

Current tenants of the Durkee Building believe the proposed project would result in eventual rent increases there. Already, eviction notices have been delivered to all but one of the Building's tenants (the one tenant spared the notice has a valid long term lease).

Availability of Large Parcels. Historic industrial areas like southwest Berkeley appear to experience land use changes and proposals for development at a faster pace than central business district/downtown districts (absent public redevelopment project activity). A "fits and starts" pattern of change sometimes occurs due to the availability of large parcels of land previously used for warehouse or manufacturing plants, which can be razed all at once and dedicated to some new use. As with rent level trends, no in-depth study of the properties which could become available at the right price for redevelopment has been completed. However, anecdotal evidence suggests that some of the existing industrial properties may eventually be sold for development of another sort.

The current plans of the owners of the Carleton Street Business Center on the old Colgate Plant site (described in the following section) are to develop up to 587,220 square feet of office, R&D and warehousing space, for which they already have a use permit allowing immediate implementation of their plans whenever the market is ready. The need for much additional space beyond this project and several other smaller projects which are in the development process cannot be clearly forecast.

Office and Commercial Growth Climate. Discussions with local developers and testimony at the scoping sessions for this EIR suggest that, despite the temporary overabundance of office and R&D space in the East Bay and in other Bay Area markets, the demand for space in and around west Berkeley continues at a fairly steady pace. So long as rent levels are kept within the affordable range for the types of uses currently found throughout the larger study area (see Appendix C for existing businesses in the larger study area), demand for space will continue at rates which are similar to those presently experienced.

At the same time that demand for space on the part of artists, craftspersons and other small shop, office and light industrial users is high, these existing uses see land use changes occurring which may lead to higher intensity uses and potentially higher rents in the larger study area. This tension between old and new land uses is commonly experienced as a part of growth, though it can be ameliorated by accurate statistical information on what really is happening and by conditioning the new growth so as to mesh with existing uses. The following subsection provides data on upcoming development in southwest Berkeley which has been taken into account in the analysis of the proposed Aquatic Park Center project.

Nearby Development Projects. Several specific development projects have been viewed in this EIR analysis as part of the cumulative or background development which is occurring near the proposed project. These projects are ones which are either completed (but unoccupied); approved (needing no further permits prior to commencement of construction); in the planning or development review stage; or at least officially proposed and likely to be constructed and occupied within the next five years. Table 2 lists these projects, their size, land use type, estimated employment and current status.

In addition to allowing this EIR to characterize the land use changes which are occurring in the larger study area in a qualitative way, data for these projects have been quantified so that the traffic and circulation analysis and, by extension, the noise and air quality analyses (which are partially based on projections of additional traffic), can specifically include them.

The Carleton Street Business Center (on the Colgate site) is by far the largest single project on the list. A use permit has been issued for 587,220 square feet of mixed office, R&D, and warehouse uses (specified in the use permit). However it was determined, in consultation with knowledgeable members of the development community and city staff, that it would probably be unrealistic to assume that more than half of this space would be completed and put on the market within the next five years. The square footage shown in Table 2 represents approximately half of the eventual proposed buildout allowable under the approved use permit, split between the two predominant use types, office/R&D and warehouse.

Table 2

Development Projects in Southwest Berkeley

Project (Location)[a]	Square Footage	Use Type	Project Employment	Current Status
1. Carleton Street Business Center (Carleton/Seventh, SW)	293,610[b]	Office/R&D (225,895 sf) Warehousing (67,715 sf)	750-1,000	Use Permit Approved
2. Wareham Office Building (AAA) (Anthony/Seventh, NE)	10,000	Professional Office	25-35	Completed
3. Mighetto and Youngmeister (Grayson/Seventh, SW)	10,000	Professional Office	25-35	All Approvals Obtained
4. Whole Earth Access Retail Expansion (Potter/Seventh, NW)	12,000	Retail	20-25	Use Permit Application Submitted
5. Berkeley Auto Mall (Ashby, West of Seventh)	160,000	Auto showroom, repair shop and offices	140-150	Under Construction

[a] Figure 27 (p.90) in the Transportation section shows the location of these sites.
[b] Assumes that 50 percent of total approved project would be absorbed within five years.

Source: Mundie & Associates

The Wareham Office Building on the list is located on Seventh Street across from the existing Aquatic Park Center office/R&D buildings (2910 Seventh Street and 890 Heinz Street). It has been completed for some time but has not yet been occupied by its tenant, the American Automobile Association (AAA), and therefore has not yet begun to generate traffic (which is why it is presented here as a development project rather than as part of the existing setting).

The Mighetto and Youngmeister building is intended as professional office space and can go forward at any time. The Whole Earth Access project involves a small expansion of their existing outlet and is presently undergoing review by the city. The Berkeley Auto Mall is also under construction, but had not yet begun to generate significant amounts of traffic at the time the traffic consultant for this EIR took vehicle counts on nearby roadways.

In an area like southwest Berkeley, where redevelopment of properties has been occurring in recent years and where opportunities for further development (as well as the risks of adverse impacts) exist, speculation about likely sites of future projects often fuels rumors which seem to gain validity with repetition. The projects chosen for this cumulative list were selected based on information which the authors believe to be accurate as of the date of this report. Speculation about other potential projects has not been deemed clear enough evidence to warrant placement on the list. Furthermore, given Berkeley's occasionally protracted development review process, any projects proposed in the near future could only hope to achieve occupancy toward the end of the five year period under the best of circumstances.

Development which would proceed under plans for the Emeryville Bayfront and the Berkeley and Albany waterfronts has also been considered in this EIR. The levels of development estimated to result from these large-scale planning efforts are discussed in the next section.

Master Plan Designations and Policies. The Berkeley Master Plan Land Use Map (1977) shows virtually the entire larger study area to be designated as an Industrial District. To the west, Aquatic Park is shown as Recreation/ Institutional uses.

Goals which relate to development at the Durkee site of the type proposed include the following:

- To preserve the unique character of Berkeley which results from its extraordinary natural and man-made amenities, and from its diverse population made up of persons of all ages and a wide variety of economic levels, racial and ethnic groups and lifestyles.

- To enable all residents to obtain decent housing, suitable employment, public services, recreational and cultural facilities and essential personal goods and services.

- To preserve Berkeley's traditional regional roles as a fine residential community and as an educational, cultural and professional and recreational center of the Bay Area.

- To make local government open, accessible and responsive to the needs of all Berkeley citizens.

- To improve Berkeley's financial position by fostering opportunities for appropriate economic development.

Furthermore, the City of Berkeley's character is given great emphasis throughout the Plan. The Plan summary states that "Policies ... are included to clarify the inter-relationship of citizen participation, the economy and the character of the City." An emphasis on people is also explicitly set forth as a key of the Master Plan when compared to the previous plan.

The Master Plan's land use element establishes policies to achieve the abovementioned goals which are intended to "insure that future development reinforces, rather than undermine[s] established patterns." Reference land use policies include the following:

- Evaluate proposed zoning changes and major new development proposals using the following considerations:

  - Master Plan Land Use Policies and Map Designations
  - Existing Land Use
  - Environmental Impact
  - Social Impact
  - Fiscal Impact on School District and Municipal Services
  - Neighborhood Resident, Merchant and Property Owner Concerns

- Identify, restore and preserve historic buildings; protect historic structures through careful design and location of adjacent new structures or, if appropriate, by relocation to another site; alleviate potential economic hardships to tenants and owners.

- Limit development in the manufacturing area to industrial and related commercial uses.

- Where feasible, consider the conversion of streets or portions of streets for other public uses, such as usable open space.

In addition to land use policies, the Master Plan includes elements such as noise, transportation and seismic safety. Policies in those areas are briefly noted in those sections of this report.

In April 1985 the Department of Planning and Community Development commenced the West Berkeley Plan process. A community workshop was held, a citizens' advisory committee formed and community concerns outlined. Since that time, well over a dozen official meetings have been held. Minutes from these meetings show that discussions have addressed issues ranging from procedures for the planning process to the formulation of issues for analysis.

Other than to prepare a map designating the project site as being located in the "southern industrial" sub-area, little formulation of goals, objectives and policies has been accomplished at this early stage in the Plan's process. Staff members responsible for assisting this process estimate that several months will be required before the committee reaches the point of adopting goals and objectives.

Two other large scale planning and environmental review efforts are well under way and should be considered. The City of Berkeley has proposed a Waterfront Specific Plan and is in the process of preparing an environmental impact report. The plan addresses over 170 acres of land and would be comprised of the land uses shown in Table 3.

The City of Emeryville has also prepared a Bayfront Specific Plan and has completed preparation (though not certification) of the environmental review document. Its development potential by proposed use for two land use emphases is also shown in Table 3.

It should be remembered, however, that the planning process for the Berkeley Waterfront has generated a great deal of controversy and has resulted in a wide gap between the original proposals of the landowner (Southern Pacific/Santa Fe) and the City of Berkeley. This lack of agreement over the allowable levels of development for this very large area has led some Berkeley residents to argue that assuming any development for the Berkeley Waterfront in the near term is unrealistic.

Table 3

Large Scale Planning and Redevelopment Efforts:
Berkeley Waterfront Specific Plan and Emeryville Bayfront Specific Plan

Project	Development Potential
Development Allowed Under Berkeley Waterfront Plan	465,000 sf hotel, 68,000 sf retail and restaurant, 32,000 sf conference center and public parking
Development Allowed Under Emeryville Bayfront Plan	3.1 million sf office/retail and 1,500 housing units; or 4,300 housing units and 1.3 million sf office/retail

Source: Emeryville Bayfront Specific Plan and accompanying Draft Environmental Impact Report; Berkeley Waterfront Plan; discussions with city staff.

One other planning effort under way on a scale like that of the Emeryville Bayfront and Berkeley Waterfront plans is the waterfront planning for the City of Albany. The likely schedule of this process is at least several months behind that of Berkeley and even estimating the total level of development by land use type would be premature at this time.

Another set of city policies which apply to this project include those of the Parks and Recreation Commission, which is currently reviewing the project to evaluate the design of the pedestrian bridge and its compatibility with the existing system of pathways in Aquatic Park.

The city's policies with regard to accessibility of public facilities to physically disabled persons are also applicable to both the pedestrian bridge and the Jewish Community Theatre.

Zoning. The study area blocks are zoned for Manufacturing (M) uses, with the exception of most parcels fronting onto San Pablo Avenue, which are designated General Commercial (C-1). Those parcels on San Pablo between Heinz Avenue and Ashby Avenue are also zoned manufacturing uses. Figure 19 shows current zoning designations for the study area.

Impacts

Changes on the Site. Implementation of either project scenario would cause substantial land use changes on the site and potentially in the nearby study area. The difference between Scenario One and Scenario Two is the type of land use proposed for the eastern third of the site: the one-story ETS offices are proposed under Scenario One and industrial/R&D/retail buildings are proposed under Scenario Two.

In addition to the Durkee Building which is proposed for preservation under both scenarios, each scenario would preserve one additional element of the site as it stands today. Scenario One would save the smokestack (which was until 1985 surrounded by the Boiler Room) and integrate it into an atrium of the ETS Building. Under Scenario Two, the Spice Building would be retained for office uses.

Several other physical and land use changes would result to roughly the same extent under either scenario and are described below.

As noted above, the East Bay Wash Rack Inc. (EBWRI) truck wash facility will move from its location at the western end of the site in June regardless of the proposed project's progress.

Beneficial impacts of the project would be the removal of storage tanks, piping and drainage facilities located on the site as part of site preparation (subject to mitigations recommended in the Public Health Considerations section of this report); completion of demolition of the steel frame of the partially demolished warehouse and removal of associated asbestos; and general cleanup of the remainder of the site which is shown in some onsite photos to be covered with the miscellany of structural demolition.

Both scenarios would result in the removal of the auto shop at 810 Heinz and of the Experimental Kitchen Building.

During the renovation of the Durkee Building, the tenants may be inconvenienced by construction noise or dust, or even temporarily forced to absent themselves from the building. The scheduling and renovation plans for the building are not yet refined enough to estimate precisely the impacts which would result.

FIGURE 19

ZONING



AQUATIC PARK CENTER (DURKEE SITE)

0 200 500 feet

Both scenarios would essentially create an entire block, excepting the inset of the Garr (Copra) Building, of new development with unified landscaping, pathways and parking lots. The change this new development represents can be viewed both in terms of the difference between the project and the existing uses, and the uses which have gradually left the site over the past year or so, some due to market forces or their own changed business circumstances and some due to the applicant's efforts to prepare the site for redevelopment.

Beyond the immediate land use and structural changes which would result from the project, there may be more long term and subtle changes in land uses in the larger study area due to the affinity developments seem to have for one another. These effects are discussed in Chapter V, Cumulative and Growth Inducing Impacts of the Project.

Consistency with Master Plan Land Use Element. As with any Master Plan Goals statement, the five goals listed on p. 49 are broad and purposeful, but potentially inconsistent if pursued with the same level of energy in a specific project. Two of the Master Plan goals are most applicable to the proposed project.

First, with regard to the goal of preserving the unique character of Berkeley, which stems from its diverse population and wide variety of economic levels and lifestyles, the project seems the least consistent. The development of a block of new offices and industrial/R&D/retail uses with the rent levels sought would not seem to further this goal. The retention of the Durkee Building in both scenarios and further retention in Scenario Two of the Spice Building and provision for small size rental spaces, are elements of the project which aim at this goal. But in the end, the demolition of the remainder of the site and addition of 53,600 square feet of office uses suggest a movement away from both land use and economic diversity and toward land use uniformity and a narrowed range of economic activities.

Second, with regard to the goal of improving Berkeley's financial position by fostering opportunities for appropriate economic development, the project fares much better. Depending on the interpretation of "appropriate", it could be argued that proposals like Aquatic Park Center would strengthen the city's fiscal condition, generate new jobs, construct a new facility allowing public access to Aquatic Park, and help counter the city's image as an anti-growth community. The key evaluation here is one of whether other types of development on the site, which would be more consistent with the first goal, would not also be conducive to the second. With the market for new office and new R&D space (contrasted with inexpensive existing warehouse and industrial space which could be modified to tenant specifications) overbuilt in the East Bay in general, it is possible that other opportunities for development of the site in the near term are not great. If this were true, then this project may be the best hope of implementing this goal currently in view.

These two goals also illustrate a healthy tension between a community's Master Plan goals. In a development economy which is market-driven, a community's leaders attempt to revise proposed projects or apply conditions to project approval to derive the best fit with their goals they can. In

the case of the Durkee site, seeking to preserve the unique character of the area and its interacting uses while fostering opportunities for economic development, could result in policies moving in two directions at once. Prioritizing or blending these potentially conflicting goals is the job of Berkeley's leaders.

Evaluating the proposed project against the three more specific land use policies of the Master Plan shows it to be partially consistent:

> The architect's proposed renovation of the Durkee Building in both scenarios is in step with the policy regarding historic buildings; and though not included in Scenario One, the Spice Building is proposed for reuse in Scenario Two. The design of the eastern office building in Scenario One and placement of the industrial/R&D/retail wings off of the Spice Building in Scenario Two respects the Durkee Building as an important separate structure.
>
> The proposed project appears inconsistent with the policy of limiting development in the manufacturing area to "industrial and related commercial uses". Scenario One with its 113,600 square feet of new office space would not be consistent with this policy. Scenario Two still includes the new west office building of 53,600 square feet, while providing for industrial/R&D/retail uses on the eastern third of the site.
>
> With regard to the policy of converting streets or portions thereof to other public uses or open space, the project's proposed pedestrian bridge over the SP tracks to Aquatic Park is consistent. This policy of encouraging such innovation should allow the appropriate legal steps to be taken to create a cul-de-sac at the western end of Heinz Avenue. It should be noted that the project sponsor intends for the city to own and maintain the bridge once constructed.

It is still too early in the ongoing West Berkeley Plan process to apply to the project any standards arising from that source.

Review of the project by the Parks and Recreation Commission and the Commission on Disability is under way at this time and the recommendations of these groups will be available for consideration by the Landmarks Preservation Commission and Board of Adjustments.

In regard to zoning, city staff have determined that the proposed uses would be allowed under the Manufacturing Zoning designation.

Historic and Architectural Resources Impacts. Evaluating the Durkee site using standards for historic merit that are more broadly based than those employed by the LPC under Berkeley's Landmarks Ordinance results in a different conclusion than that arrived at by the LPC. In brief, the designation cannot be supported on state or national grounds; its importance is strictly local. This finding is based on four key factors.

First, the site is not unique or even unusual. It represents a common pattern of industrial development along the East Bay shoreline near the SPRR tracks. Though decreasing, such industrial uses and buildings are not yet rare and endangered.

Second, the relatively late development of the site compared with other areas in Berkeley's Oceanview district and in nearby Emeryville precludes it from being a true example of Berkeley's "early" industrial development.

Third, with the exception of the unique Art Deco Durkee Building, there are better examples of industrial building types in west Berkeley, including some handsome late 19th and early 20th century brick structures (e.g. warehouse on the southeast corner of Heinz Avenue and Seventh Street), some of which still house viable industrial and warehouse operations. Berkeley Architectural Heritage Association is conducting a survey of industrial Berkeley which is intended to provide documentation of such buildings.

Fourth, and most important, the site no longer possesses the integrity of its historic use or design. Comparing the historic site plans and photographs of the site with the photographs in Figure 18 shows that about half of the structures on the site have been demolished and large portions the site cleared. What is currently found onsite is the aftermath of large-scale demolition rather than a true picture of working industry. The most severe loss was the demolition in the summer of 1985 of the Boiler Room Building (also known as the Winterizing Building), the earliest intact building on the site. That demolition was completed prior to the start of analysis undertaken for this EIR. The loss of the building effectively weakened the sense of enclosure of the loading area, or courtyard, on the eastern portion of the site. The courtyard, which once served as a central meeting place for the community of people living and working on the Durkee site, has been substantially eliminated and the large spaces which remain on the site have dramatically altered its appearance.

The commonly-accepted criterion of integrity is one which would apply to the designation of the site under the City of Berkeley's ordinance as well. The Berkeley ordinance, as noted above, applies several additional criteria to the selection of landmark buildings and sites, and in applying these criteria, the LPC decided (and were upheld on appeal to the City Council) that by Berkeley standards, the Durkee site did merit designation. Apart from analysis under CEQA, that designation requires that the project undergo review by the LPC.

Effect of the Site's Landmark Status. The designation of the Durkee Site as a landmark triggers the requirement that the proposed project receive approval of the LPC under the Landmarks Preservation Ordinance (Chapter 3.24, Section 260 C). Their review of the project would involve the criteria discussed above under Berkeley Landmarks Ordinance (p. 34).

Site Plan and Urban Design Impacts. The site would be noticeably altered by the development of the proposed buildings under either Scenario One or Two. Retaining the Spice Building and proposing non-office buildings in Scenario Two would reduce the incongruity of the new development somewhat.

The new eastern office building in Scenario One includes several design elements which reflect the design of the Durkee Building, though this professional office building would retain a contrasting appearance.

Under Scenario Two, the new wings of the Spice Building would employ an industrial idiom suggesting the history of the area. Tiltup concrete walls would be painted and could employ a rough aggregate to distinguish them from the smooth skinned office buildings to the east. Windows would be of openable anodized industrial sash and roofs would be made of metal or composition materials. The north elevation of the new mixed use building (see Figure 13) features a pierced gable to define the entry and relate to the spare articulation on nearby buildings like the Durkee Building and the Macauley Foundry on Carleton Street. The west elevation is far more industrial in appearance, featuring three large metal rollup doors characteristic of this industrial district. Brick salvaged from demolished buildings on the site would be used to provide a frieze across the facade.

The way in which the one-story mixed use space forms an "L" around the Durkee Building would create a space reminiscent of the courtyard which previously served as a meeting place for recent tenants of the site, though the narrow shape would be more like an alley than a spacious courtyard.

The new western office building would be the most articulated of the proposed buildings on the site. Its recessed facade plan, two-story height and articulated elevations appear an attempt to be a modern counterpoint to the Durkee Building.

The proposed buildings on the site would be organized along an east-west pedestrian axis which runs through the center of the site. This mall would be landscaped with trees and lawn and its central pathway would cross Fifth Street and the 99-space parking lot. The new western office building would appear to block any views of the Bay along the axis mall.

The extensive landscaping shown on the site plans and elevations are sketches only at this point (a landscape architect has recently been engaged), but would represent a noticeable change from the existing condition or that of the period of industrial operations. Several persons at public meetings have expressed strong reservations about the landscaping sketch which gives the appearance of a "campus" or "typical industrial park" at this site. On the other hand, the large expanses of pavement, and in Scenario Two, the concrete wall surfaces, industrial sash windows and rollup metal doors would accentuate the industrial nature of the area (far more successfully than the new offices fronting onto Seventh Street east of the site).

Scenario One would result in the loss of the Spice Building. Scenario Two would result in the loss of the 1916 brick smokestack.

Other specific land use impacts are also discussed elsewhere in this report (e.g. the Chapter on Cumulative and Growth Inducing Impacts).

Mitigation Measures

Before presenting potential mitigation measures to the impacts discussed above, it should be noted that the Alternatives Chapter also looks at two

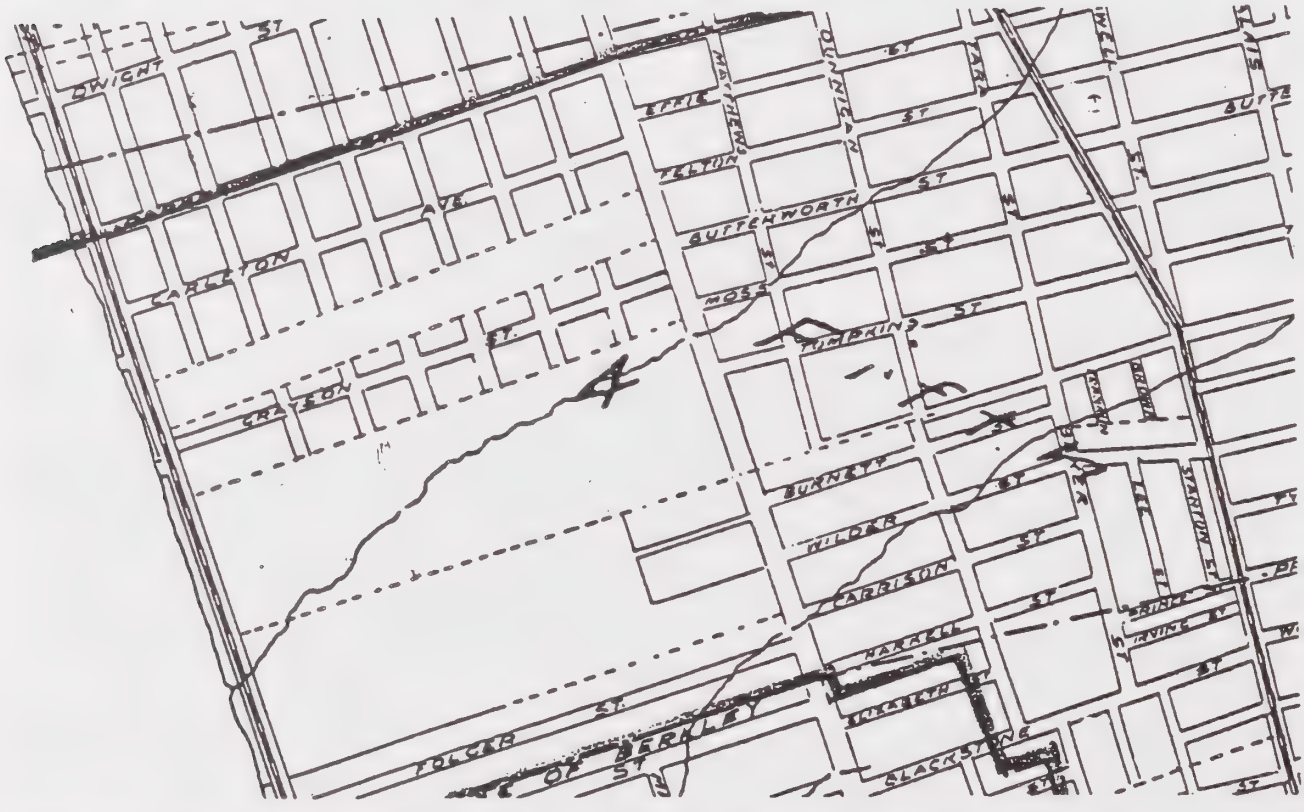
ways of mitigating these potential impacts (three ways if the No Project Alternative is included). The recommended mitigation measures listed below are therefore aimed at mitigating the land use and landmark status impacts of the project as proposed.

Potential Inconsistencies with Master Plan Goals and Policies. The applicable city goals and policies with which the project appears partially consistent are analyzed above, though clear conclusions can hardly ever be stated in this regard; operationalizing goals and policies can and should only be done by elected and appointed officials and their staff. Both scenarios of the project as proposed include a mix of enough uses, building types and other elements to afford the Landmarks Preservation Commission and Board of Adjustments a wide set of policy issues to resolve.

Landmark Status Mitigation Measures. Two measures which could be considered by the LPC to mitigate the project are listed below.

Creek Restoration. As shown in Figure 20, the historic course of Potter Creek flowed through the site in a northeast to southwest direction. The creek apparently continued to flow unimpeded through the 1920s.

FIGURE 20 HISTORIC COURSE OF POTTER CREEK



One way of reestablishing the historic condition of the site would be to restore the creek as an onsite water feature around which the proposed Wareham buildings could be reconfigured. In addition to recreating an historic element of the site, such an amenity could offer a marketing feature for the development and serve as a model for the ongoing program of creek restoration which seems to be gaining public approval in Berkeley.

Such a project would require consultation with a hydrologist, landscape architect and possibly a soils and hazardous substances expert (due to the concerns arising out of potential onsite hazardous materials and quality of storm drain water) and according to staff at the Department of Public Works, the diversion of water from the nearest stormwater main could require continual pumping. However, the developer could expect assistance from the Urban Creeks Council and possibly from the Coastal Conservancy in the feasibility analysis and planning of such a project.

Offsite Mitigation Through Contribution. The applicant could contribute an agreed upon amount of funding to be used in restoring or maintaining selected structure(s)/site(s) of landmark status elsewhere in the City of Berkeley.

Site Plan and Urban Design Mitigation Measures. Because the landscaping plans (e.g. vegetation, lighting, paving and signs) for the project are not yet complete, it is difficult to recommend mitigations beyond those at a fairly general level. Landscaping which fits in with the industrial nature of the site and adjoining properties should be emphasized at the point project plans are refined.

Use of industrial sash windows in the new industrial/R&D/retail buildings of Scenario Two would help achieve a more industrial look for the project.

A north/south walkway near the Durkee Building linking Heinz Avenue to the east/west pedestrian spine is recommended in the Transportation section.

The design of the pedestrian bridge should be consistent with the city's policies regarding access for physically disabled users. As presently configured, the stairwells of the bridge would not provide access for users with bicycles or wheelchairs. However, the city may require the design to accommodate these groups. Structural modifications to insure accessibility (such as ramps or elevators) could affect the feasibility of its inclusion in the project. City decisionmakers would be responsible for weighing the costs and benefits of redesigning the bridge should such a situation arise.

It should also be noted that the State Public Utilities Commission (PUC) is responsible for design approval of such an overpass. Safety concerns are critical to their review and they do not impose accessibility requirements (Stich, 1986).

In addition to project design mitigations, the applicant could be required by the City of Berkeley to contribute a portion of the estimated construction costs to the "art in public places" program. Detailed requirements would be set forth by the city as conditions of project approval.

Another revision of the project which is under consideration involves the relocation of the Jewish Community Theatre from the second floor of the Durkee Building to the renovated Spice Building under Scenario Two.

Other Mitigation Measures. The Transportation section of this report includes a mitigation measure recommending that the parking garage be moved to the north by 25 to 30 feet to allow a roadway connecting the western parking lot with Fifth Street.

EMPLOYMENT AND HOUSING

There have been many environmental and planning studies undertaken recently in the City of Berkeley, particularly in the west Berkeley/Waterfront area, and much of the information presented below is drawn from these secondary sources. Tables showing California Economic Development Department (EDD) and U.S. Bureau of the Census statistics (both citywide and by census tract) on labor force and demographic characteristics, occupation and industry distributions, and employment trends, as well as housing type and tenure are referred to below and hereby incorporated into this focused environmental impact report by reference.[2]

This analysis of existing employment and housing conditions and the potential impacts of the proposed project begins with a citywide perspective, then focuses on west Berkeley, and then, where appropriate, addresses specifically the Durkee site.

Proposed project employment would have both beneficial and adverse effects. The total number of jobs at the project site would rise substantially, but existing individuals and firms located onsite could be displaced. More important questions than the total number of jobs at the site are: 1) how many net new jobs would be created; 2) what type of jobs they would be; and 3) from what segment(s) of the labor force would employees be drawn.

Historic Employment Setting

The previous section of this report (see pp. 23-24) describes the history of industrial operations at the Durkee site, but focuses on the site's land use and structural characteristics. This section briefly notes the employment history of the site.

The number of employees working at the earliest Vegetable Oil Company plant is not known. After Durkee Famous Foods acquired the plant in 1929, an expansion of the facilities occurred, followed by another large-scale expansion after World War II. At that point, employment was at its apex, with 225 persons employed at the site.

The recent reuse of the site's industrial buildings represents only a small portion of the employment levels of the plant when it was in manufacturing uses. Currently there are approximately 20-25 persons employed or using the site for commercial space of one type or another. This is a decline of several persons from employment levels found there in recent years.

[2] Two recent analyses which contain citywide employment and housing statistics are the Final Focused Environmental Impact Report for the Proposed Courtney Building, March 1986, and the Berkeley Waterfront Plan Summary of Opportunities and Constraints Background Analyses, January 1985. Both of these documents are available at the Berkeley Planning and Community Development Department, 2180 Milvia Street, Berkeley.

The following section describes existing labor market characteristics for Berkeley, and west Berkeley where available. The likely outcome of the proposed project on the questions noted above is analyzed.

Existing Employment Setting

Employment data for Berkeley are compiled according to two fundamentally different criteria (place of residence and place of employment) for several different geographical areas and sub-areas. The U.S. Bureau of the Census in 1980 compiled data on the basis of persons' places of residence, for the entire city, by census tracts within the city and by specially designed "neighborhood statistical areas". The State of California Employment Development Department (EDD) compiles data monthly on the basis of persons' places of work. Both of these perspectives are examined here to present an accurate view of the context into which the project would fit as well as to facilitate analysis of employment impacts in the next section.

Employed Berkeley Residents and Their Places of Work. The labor force in Berkeley at the time of the 1980 Census was approximately 54,897, of which roughly 3,732 were unemployed, leading to an unemployment rate of 6.7 percent. Recent data for February 1986 show the unemployment rate at 6.9 percent for Berkeley, nearly the same as the countywide rate (7.0 percent).

Of employed Berkeley residents who reported their place of work in the census, 48 percent worked in Berkeley. The majority (50 percent) worked primarily in other Bay Area locations, with the largest contingents commuting to Oakland/Alameda (17 percent), and San Francisco (16 percent). Other Bay Area workplaces accounted for 17 percent.

Employment Conditions and Jobs in West Berkeley. The census tract which contains the project site and larger study area is census tract 20. This tract includes the largest land area of all tracts in Berkeley, including blocks north to the Albany city limit and including blocks east to either San Pablo Avenue or Sixth Street. In addition to census tracts, the City of Berkeley has designated "neighborhood statistical areas" (NSA) and has compiled census data for them. The NSAs like the census tracts do not have boundaries that coincide with those of the study area for this project. Figure 18 delineates census tract and NSA boundaries for west Berkeley. West Berkeley is best approximated by census tract 20.

With these constraints in mind the available information can be used to establish a picture of employment conditions in west Berkeley.

In 1980, census tract 20 included a civilian labor force of 518 persons, all of whom claimed to be employed at the time of the census enumeration (April 1979), though they had experienced a high number of weeks unemployed throughout the previous year (25.4). As is the case throughout Berkeley, a large group of residents responded that they were not in the labor force, which includes students, elderly residents and those workers who are discouraged and no longer actively seeking employment.

Of those who were willing to report their place of employment (386), nearly 60 percent (229) worked outside of Berkeley, while slightly over 40 percent (157) worked in Berkeley. This compares with a distribution only slightly favoring work outside of Berkeley (52 versus 48 percent) for the community as a whole.

The occupations of west Berkeley residents include a much higher proportion engaged in blue collar jobs than the city as a whole. The categories of machine operators, assemblers, precision production, crafts, repair services and transportation and material moving all show significantly higher employment percentages than citywide averages. Conversely, dramatically fewer persons are employed in professional and technical occupations.

Places of Residence for Berkeley Job-Holders. Approximately 38 percent of those employed in Berkeley also lived in the community. The remaining 60.7 percent commute in from other East Bay and greater Bay Area residences. Oakland/Alameda accounts for 20 percent of Berkeley workers. Other places of residence are elsewhere in Alameda County (10 percent), Contra Costa County (24 percent), San Francisco (4 percent) and elsewhere in the nine-county region (4 percent). Less than one percent of Berkeley workers reside outside the Bay Area (U.S. Bureau of the Census, Journey to Work, 1980).

Employment Projections. Employment growth for the City of Berkeley and Alameda County has been projected by the Association of Bay Area Governments (Projections 85) for seven economic sectors. Table 4 shows these projections for the years 1985, 1990 and 2000.

Between 1985 and 1990, the city's total employment is expected to grow by 2,600 positions or 4.3 percent. The county is projected to experience job growth of nearly 11.5 percent. The greatest job growth is expected to occur in the services sector, which accounts for nearly half of the projected growth (1,270 jobs), followed by retail positions (530 jobs). Manufacturing is projected to grow only slightly (110 jobs) as is the finance, insurance and real estate sector (130 jobs). The agriculture and mining sector is expected to continue its decline (-40 jobs).

Berkeley Economic Policies. Though the City of Berkeley implements economic policies continually through its ongoing decisionmaking process, one document contains the city's explicit policies regarding economic development. The Economic Development Plan for Berkeley was adopted in November of 1980 and was intended to guide implementation of an economic development program for the city. Several of its goals and objectives relevant to the proposed project are the following:

1. Goal: Revitalize the local economy to increase available jobs.

   Objectives:
   - Economic development should emphasize job creation.
   - Special efforts should be made to secure jobs for Berkeley residents.
   - Facilitate the coordination of district projects that may be complementary to each other.

Table 4

Employment Projections:
City of Berkeley and Alameda County

Employment Sector		1985	1990	2000
Agriculture, Mining	Berkeley	190	150	110
	County	3,950	3,070	2,170
Manufacturing and Wholesale Trade	Berkeley	9,690	9,800	10,650
	County	122,550	140,410	179,030
Transportation, Communications, and Utilities	Berkeley	2,550	2,910	3,370
	County	37,000	41,600	46,500
Retail Trade	Berkeley	9,730	10,260	10,380
	County	94,840	109,480	119,680
Finance, Insurance, and Real Estate	Berkeley	3,010	3,140	3,350
	County	37,600	45,300	58,000
Services	Berkeley	30,220	31,490	34,390
	County	166,050	178,300	213,260
Other	Berkeley	5,310	5,550	5,250
	County	87,610	94,340	105,560
TOTALS	Berkeley	60,700	63,300	67,500
	County	549,600	612,500	724,200

Source: ABAG, Projections 85; ABAG, 1980 Census Materials, 1980 Census Summary Tape File 3A.

2. Goal: Increase coordination and integration of community resource development.

   Objectives:
   - Encourage community-based equity participation wherever possible in the promotion of local economic development.
   - Encourage innovative enterprises that are economically feasible.

3. Goal: Promote a strong industrial base as a vital foundation upon which a stable economy can be built.

   Objectives:
   - Facilitate the stabilization of existing industries.

- Encourage further diversification of the local industrial base.

- Establish regional and national prominence in the incubation and development of new industries.

- Provide special technical assistance to appropriate industries to facilitate the use and recycling of non-renewable resources.

4. Goal: Establish community control of land uses as essential to community development.

Objectives:
- Improvise programs to produce more affordable housing for low and moderate income households.

- Incorporate into land use development the preservation of the housing stock, as much as possible.

It is critical to note that economic goals and policies like these can, in an urban context like that found in Berkeley, create a set of polarities when placed side by side with the city's other goals and policies. Communities which are essentially built-out, with little available land to use as resources to reach these goals, generally find that a given site cannot usually be used to meet both employment and housing objectives. A balancing of objectives is often necessary. Thus, reference to city goals does not necessarily resolve conflict with regard to competing land use programs at specific sites, though in the case of employment and housing goals, programs aimed at hiring unemployed residents could achieve a common goal. Furthermore, not all of the steps taken to reach either set of goals and objectives need be undertaken onsite; offsite mitigations provide a potential route as well.

Employment Impacts

Forecasting jobs at the proposed Aquatic Park Center relies on several assumptions due to the fact that only one of the potential office tenants and none of the small space users (other than existing Durkee Building tenants) are known, for either scenario. The analysis presented below defines "jobs" as fulltime, year-round employment unless otherwise noted. The total forecasts for each scenario include jobs in the renovated Durkee Building; the presence of the current tenants is taken account of in a separate paragraph so as not to overestimate the net employment impact. The employment density assumptions (employees per square foot) are taken from empirical studies and are consistent with assumptions used in previous impact analysis prepared for the City of Berkeley.

The following analysis looks at the levels of employment which would be generated directly by the project as well as the spinoff effects of those jobs on the local economy. A brief discussion of the occupational mix and residential composition of the workforce is also included. An estimate of population impacts, the effect of this job generation on the local unemployment level and comparison of these findings with the city's economic policies concludes this section.

Direct Project Employment. The two scenarios would generate employment on an order of magnitude which would be roughly the same though split differently between full- and part-time work. Scenario One with ETS as the prime tenant would result in 305 year-round positions and an additional 105 peak period positions. Scenario Two would generate approximately 400 jobs.

Net Job Generation. Approximately 20-25 persons currently work in jobs which are either entirely or partly undertaken onsite, mostly in the Durkee Building but with some at the nearby auto repair shop (810 Heinz). Some of the Durkee Building tenants would chose to continue their businesses there after completion of the renovation. The auto repair shop would be forced to relocate under both scenarios and those eight jobs would therefore represent a loss at the site due to the project. The EBWRI truck wash facility has planned to relocate for some time.

The net jobs generated would therefore equal virtually the same total positions forecast above.

Construction Period Jobs. The construction period for the proposed project has been estimated by the applicant at seven months. Over that period a variety of construction workers would assist with one or another aspect of the site preparation, building and landscaping program. Because these jobs are ones which frequently last for only short periods of time, the forecast which follows is phrased in terms of annual "full time equivalent" (FTE) positions: one year's worth of employment at 40 hours per week.

A standard rule of thumb for estimating construction period employment for office and industrial projects in northern California assumes that roughly half of the total construction cost of a project would result from labor costs. Dividing the resulting estimated total labor cost by an estimate of the annual cost of a average construction worker (including all benefits and taxes) then yields the annual FTE construction positions.

Given the imprecise nature of most development projects at the stage an EIR is prepared, this method of forecasting construction is as accurate as can be obtained and generally proves itself empirically. Two other caveats should be kept in mind, however. First, the labor costs for any individual construction worker can vary greatly, from manual labor earning $4-5 per hour to highly skilled electricians and cabinetmakers earning upwards of $15-20 per hour. The mix of construction skills required on any given project will affect the costs. Second, the peak in construction employment on a project of less than one year may find total construction employment onsite at any given time which is a multiple of the annual FTE jobs created.

The estimated cost of constructing the project is nearly $8.5 million for both scenarios. Assuming that $4.25 million of this total would be spent on labor and estimating average annual total labor costs of between $35,000 and $40,000, would result in construction employment of 105 to 120 annual FTE positions.

Secondary Job Generation. The indirect and induced employment which would result from direct project jobs and from the construction period jobs at the site can be estimated using employment multipliers. An employment multiplier is a number which, when multiplied by direct jobs produces an estimate of the number of jobs in other sectors of the local or regional economy. These secondary jobs are generated by the infusion of wages into the retail and service economy. A detailed discussion is found below, following the occupational analysis, in the subsection which focuses on the distribution of project jobs.

The employment multiplier for secondary job generation in Berkeley would be slightly greater than one; that is, each new job in Berkeley generates an additional 0.1 to 0.2 jobs elsewhere in the city. Given a regional multiplier of roughly 1.5, an added Berkeley job would also generate 0.3 to 0.4 jobs elsewhere in the region.

Type of Jobs: Occupational Mix. The occupational composition of the workforce employed in various buildings of either scenario cannot be forecast with great accuracy because, with the exception of ETS in Scenario One, no other major tenants have yet been confirmed.

However, one recent survey of San Francisco's commercial district (encompassing the financial district, major retail centers and some less intensely developed south of Market Street commercial blocks) allows rough estimates of the occupational composition of major land use types, which can then be aggregated for Scenarios One and Two (Environmental Science Associates, 1983).

Scenario One proposes the 50,000 square foot ETS building, the 53,600 square foot new west office building, and the renovation of the Durkee Building. ETS has specified that over half of the permanent employees and 80 percent of temporary employees would be hired for clerical/minimum wage positions, with the rest presumably fitting into the professional/technical, managerial/administrative, sales and service ranks.

The new west office building would be expected to hire employees from the following categories: 34 percent professional/technical; 20 percent managerial/administrative; 37 percent clerical; 4 sales and service; and about 5 percent from other categories. This distribution would apply to both scenarios.

The renovated Durkee Building with its mix of restaurant, theatre and small office uses would be comprised of a very high proportion (up to 50 percent) of professional/technical employees and a small number of managerial/administrative positions (20 percent), with the remainder filled by clerical staff (30 percent).

The aggregate number of jobs by occupation and percentage breakdown for jobs in Scenario One (including less than fulltime positions) would be:

134 (33 percent) professional/technical
63 (15 percent) managerial/administrative
187 (46 percent) clerical
13 (3 percent) sales/service
13 (3 percent) other

Scenario Two would delete the ETS office office building and add 37,056 square feet of industrial/R&D/retail space and the renovated Spice Building. The Spice Building's occupation mix is assumed to result in approximately 15 professional/technical and 15 clerical positions, with the remaining positions equally distributed between managerial/administrative and other occupations. The industrial/R&D/retail buildings would be more heavily weighted toward sales/service and "other" occupations (in this case craftworkers, mechanics and other blue collar positions).

The aggregate number of jobs by occupation and percentage breakdown for jobs in Scenario Two would be:

115	(29 percent)	professional/technical
67	(17 percent)	managerial/administrative
107	(27 percent)	clerical
39	(10 percent)	sales/service
70	(17 percent)	other

Distribution of Jobs: Berkeley Residents, Commuters and In-migrants.
Employment at the site would consist of 305 fulltime year-round jobs under Scenario One and 400 under Scenario Two. These jobs would not all be new to Berkeley, but projected site employment can be considered a net increase in employment in the City of Berkeley because the movement of jobs to this site from other sites frees up space for added employment elsewhere. Thus, the project can be seen as resulting in a net increase of city employment of 305 or 400 jobs depending on the scenario implemented.

The part-time jobs (105 under Scenario One) are not considered job creation in this analysis, because those jobs are a particular feature of ETS which would be most unlikely to be characteristic of whatever business(es) replaces ETS at the location from which it will be moving.

In addition to the direct, on-site jobs, other employment would be generated by the project as the added employees spend some of their earnings and as the added businesses make purchases in Berkeley and elsewhere in the region. The number of jobs generated indirectly by an initial employment expansion can be estimated roughly via application of an employment multiplier. The regional employment multiplier for new jobs added in Berkeley is probably about 1.5: each new Berkeley job generates another half job somewhere in the region.

The location of the jobs generated via the multiplier effect depends on many things, most importantly the location of the supplies and services (including labor) which Durkee site activities incorporate into their products. Taking into account the fact that most Berkeley jobs are held by in-commuters and that many of the inputs to Berkeley industry come from outside the city, Berkeley's share of indirect job creation is likely to be less than half - probably considerably less. This analysis uses an estimate of 0.1 to 0.2 indirect Berkeley jobs created for each new direct job. Another way of expressing this relationship is to say that the "Berkeley multiplier" is between 1.1 and 1.2: for each new direct job in Berkeley, the total increase in jobs is 1.1 to 1.2 (one direct job plus 0.1 to 0.2 indirect jobs).

Taking indirect as well as direct jobs into account (and disregarding the part-time jobs for the reason mentioned) total Berkeley job creation would be roughly 350 under Scenario One and 460 under Scenario Two. Applying current statistics on the split between residents and commuters, 62 percent of these new jobs could be expected to be held by people living outside Berkeley. That would leave 38 percent to be held by residents: 133 under Scenario One and 175 under Scenario Two.

Of those direct and indirect jobs to be held by residents, some would be obtained by individuals who already live in Berkeley. Some added jobs could be filled by Berkeley residents who are presently unemployed, underemployed or newly entering the labor force. Some could be filled by existing Berkeley residents who presently hold jobs outside Berkeley. In the absence of detailed data on the new jobs and a forecasting model, this analysis assumed that thirty percent of the new jobs would be filled from these two groups. The balance would be filled by immigrants. Taking into account the fact that there are 1.2 workers in the average Berkeley household, the resulting projected immigration resulting from this project would be as follows:

	Scenario One	Scenario Two
Base Employment (at project)	310	400
Total Employment (at project and elsewhere in Berkeley)	350	460
Jobs Held by Berkeley Residents:		
Total (38%)	133	175
Number Drawn from Pool of Unemployed, Underemployed and New Labor Force Entrants	20	26
Number Drawn from Pool of Berkeley Resident Workers Now Working Outside Berkeley	20	26
Balance: New Jobholders Who Would be New Berkeley Residents	93	123
Resulting Housing Demand (at 1.2 workers per household)	80	100
Resulting Potential Population Increase (at 2.5 persons per household)	200	250

Population Impacts. The net increase in housing demand of between 80 and 100 housing units could lead to a population increase of approximately 200 to 250 persons, depending on the new residents' average household sizes and the extent to which these incoming households displace existing households.

Effect on Unemployment. Several recent reports have stressed the importance of not only generating additional job opportunities in the City of Berkeley, but of matching the mix of new jobs produced with the skills and educational backgrounds of the unemployed and underemployed. A targeting of of new job opportunities to willing workers is more effective at affecting unemployment rates than simply increasing total jobs.

The occupational forecast resulting from the two project scenarios shows the advantages of each when it comes to creating opportunities for workers seeking clerical, sales and service, and other positions (craftworkers, mechanics and other blue collar).

Scenario One would include over half of its positions in these categories (52 percent) with the vast majority (46 percent) as clerical positions, however. Scenario Two would be more evenly distributed among the three noted categories, with 27 percent clerical, 10 percent sales and service, and 17 percent other. This emphasis on clerical positions in Scenario One is due to the heavy concentration of these positions in the ETS building. Scenario Two with its more than 36,000 square feet of industrial/R&D space could include more opportunities for traditional blue collar jobs, depending on the tenant mix of the new buildings.

It should be noted that both scenarios would result in the displacement of the existing auto repair shop at 810 Heinz and the eight fulltime jobs there, with the possibility that Durkee Building tenants would also leave. The existing jobs at the Garr Land and Resources Management Building, a furniture warehouse, would not be directly affected but could over time be relocated if pressure to develop that parcel were to increase.

Consistency with Berkeley Economic Policies. The proposed project appears to be generally consistent with the city's economic development policies. Both scenarios would increase available jobs within a fairly broad range of occupational categories, with Scenario One emphasizing clerical and professional/technical positions, and Scenario Two aiming at small incubator industries in addition to professional offices.

However, the project as proposed does not include an explicit detailed program to help secure available jobs for Berkeley residents.

In regard to the objectives intended to achieve Goal #4, the proposed project could lead to the loss of the live/work spaces in the Durkee Building. This issue is currently under review.

Employment Mitigation Measures

Targeting Project Jobs to Berkeley Residents. In order to insure that a share of the construction and operations period jobs would go to Berkeley residents a program of actively seeking out applicants should be implemented. Specific steps which could be taken include goals for local hiring in the case of project construction and "first source" agreements (in the form of a Use Permit Condition or attachment to the standard lease between the project sponsor and tenants) for permanent onsite jobs. Funding for such a program and for city monitoring should be provided by the project sponsor.

Contribution Toward City's Job Training and Recruitment Program. Another means of insuring that the proposed project is consistent with city policies would be an applicant contribution of a specific dollar amount toward the city's job training and recruitment program.

Contribution to Childcare Services Program. The city is developing a mechanism for commercial development generating employment in Berkeley to contribute toward the expansion of the provision of childcare services for people of low and moderate income within the city as allocated by the City Council.

Assist Existing Onsite Tenants During Renovation. Impacts on tenants during the construction period could be lessened by establishing a posted and updated schedule of activities so that tenants could continue in business by working around the worst times of noise, vibration and dust.

Depending on the outcome of the dispute over the applicability of the city's rent ordinance and other residential preservation ordinances, some form of explicit lease protection for existing tenants could be made a condition of project approval.

Existing Housing Setting

The proposed project has the potential to draw new employees into the severely overburdened Berkeley housing market. Additionally, continued commercial development in the vicinity of the site could lead to higher land values and pressure to convert existing housing in west Berkeley to other land uses or to increased housing values in some locations. Demolition of existing structures (as well as policies implemented by the applicant over the past year which have had the effect of lessening the amount of live/work space in existing buildings) could continue to reduce the housing stock further.

In 1985, ABAG estimated the population of Berkeley to be 106,600, in 45,240 households. As has been noted elsewhere, Berkeley's total population and number of households have been declining in the period since 1970.

Housing Units by Tenure Category, Vacancy Rates by Tenure Category, and Median Value and Rent by Tenure Category. The following discussion presents information on citywide housing conditions in Berkeley for 1980, the last year in which an enumeration of the housing stock was undertaken. The factors addressed include tenure, occupancy/vacancy and prices/rents.

Housing Tenure. Berkeley housing is occupied by a relatively high proportion of renters (62 percent): in the state's central cities as a whole, the tenure split is more even with 53 percent renter occupied. The high proportion of renters is probably explained in part by the presence of the University of California and the housing demand generated by students.

While the number of housing units declined between 1970 and 1980, the number of owner-occupied units increased by over 1,000 units. It was the for-rent stock which declined by as many as 2,000 units, worsening the very low vacancy rates discussed below. Evidence suggests that some of the rental units were converted to owner-occupied units during this period.

Vacancy Rates. At the time of the 1980 Census, the overall citywide vacancy rate was just under two percent (1.0 percent in ownership units and 2.4 percent in rental units). These vacancy rates were substantially lower than SMSA rates (1.6 percent of ownership units and 4.0 percent of rental units). By 1985, many knowledgeable observers of the Berkeley housing market were suggesting that the vacancy rate had declined to as low as 1.0 percent.

The causes of the housing shortage are multifaceted. The University's provision of around 9,000 units for a student population of over 31,000 is a part of the problem. It is estimated that roughly two-thirds of the university's enrolled students reside in Berkeley. The additional demand generated by professors and other staff necessarily means that the private market in Berkeley and nearby communities must supply the balance of needed housing.

Regional employment growth near Berkeley (that which occurs in San Francisco, Oakland, Emeryville, Albany and Central Contra Costa County) is another source of demand which looks to communities like Berkeley with its neighborhoods of relatively affordable stock to provide housing. And because Berkeley has very little available undeveloped land, it is existing neighborhoods which, in the absence of new higher density construction on undeveloped sites, face upward price pressure.

According to ABAG projections, job growth within the city will continue to outstrip housing production over the next fifteen years.

The drastic cutbacks in state and federal funding for housing programs also affect the production of new housing in Berkeley, notwithstanding the 75 units of low income public housing on scattered sites throughout the city which are in the final stages of approval.

Berkeley's rent control program which has been in effect since 1981 appears to have discouraged builders from constructing much new rental housing within the city.

Housing Costs and Affordability. The price of for-sale units in Berkeley ($110,750) was higher than the mean for Alameda County ($94,210) in 1980. In February 1986, the average selling price of a home in Berkeley had reached approximately $160,000, as compared with $135,000 for the Bay Area. The opposite situation was encountered in the case of for-rent units, which in the city were low ($226 per month) in comparison with the county ($249 per month).

The Housing Element estimates that over 13,000 households pay 35 percent or more of their income for housing, with over 85 percent of these households living in rental units. One recent study concluded that "an imbalance between income distribution and shelter costs" is found in Berkeley. "There are more households that can only afford 'very low' and 'low' rents than there is housing that has 'very low' and 'low' cost." [3]

[3] Berkeley Waterfront Plan Summary of Opportunities and Constraints Background Analyses, January 1985.

Housing Conditions and Trends in West Berkeley. As noted above, and shown in Figure 18, the census tract which contains the project site and larger study area has the largest land area of all tracts in Berkeley and includes blocks outside of the general study area shown in Figure 18. Still, housing conditions found throughout census tract 20 are similar to those near the project site and tract 20 data are presented here as representative of study area conditions.

In 1980, nearly 1,000 people lived in census tract 20, in the form of 442 households occupying the same number of housing units. Owner-occupied units comprise a higher share (44 percent) of the total than for the city as a whole. The remaining units (56 percent) are occupied by renters.

A great disparity between west Berkeley and the city as a whole is found when viewing median housing values and rents. In west Berkeley, the median rent in 1980 was $144, 64 percent of the citywide $226. The median value of owner-occupied housing was $42,500, or 44 percent of the citywide $96,400.

Live/work Tenants in the Durkee Building. In 1985, several artists and small business owners operated out of the Durkee Building and used their rented space not only as commercial space, but also as a place to live. Gradually, over the past 16 months, the number of these tenants has decreased to the point that there are presently only three of these live/work tenants in the building.

In late 1985, several current tenants of the building jointly asked the City of Berkeley to render an opinion as to whether their situation was one which was covered under city policy regarding residential units. Two ordinances restricting the removal or conversion of residential land uses were set forth by the tenants as applicable to the Durkee Building (Ordinances 3018 [Section 15.1.1] and 5626). A determination on this issue is pending.

In February 1986, eviction notices were served on all but one of the remaining tenants of the Durkee Building.

In light of the eviction notices and the project sponsor's expressed desire to develop the site as office, R&D and retail space, the Durkee Building tenants, nearby business owners and neighborhood residents have expressed great skepticism regarding whether live/work land uses would be continued after completion of the project as proposed.

Berkeley Housing Goals and Policies. Two documents present official housing policies and programs of the City of Berkeley. Both the Housing Element of the Master Plan (revised November 1, 1984) and the Housing Action Strategy (December 1984) include analysis of the existing situation and guidance for evaluating proposals like Aquatic Park Center in terms of housing impact.

In the Housing Element, maintenance of existing affordable units and expansion of the housing supply when possible, are cited as important considerations. Also emphasized are the special needs of identifiable groups of Berkeley residents along with the high value Berkeley places on the racial, cultural and socioeconomic diversity of its population. Developments which mix residential and commercial land uses are also favored.

The Housing Action Strategy recommends several initiatives for the city to embark upon. They include the general recommendations for encouraging new construction and directing rehabilitation efforts to rental as well as owner-occupied units, and two other initiatives which directly affect the proposed project.

First, the strategy argues that the city should act in a manner which allows threatened populations to stay in Berkeley for the long term and help maintain the city's diversity. New programs to implement this goal are recommended.

Second, the strategy aims at assuring that major demand generators provide housing to mitigate their impact on the Berkeley housing market.

Housing Impacts

The project will contribute to Berkeley's present housing shortage by expanding employment without offsetting that expansion by an equivalent contribution to the expansion of the housing stock.

Citywide Increase in Housing Demand and
Potential Impact on Cost and Affordability. Citywide, housing demand resulting from the direct and indirect Berkeley employment generated by the project has been estimated in the Employment Impact section as roughly 80 to 100 units (Scenarios One and Two respectively). The ability of the Berkeley housing market to sustain such an increase in supply is questionable, given that during the 1970s the average annual increase in the housing stock was less than 20 units per year (the 1970 stock was counted as 46,160 units and the 1980 stock as 46,334 units, for a 10-year increase of 174). Various documents on Berkeley housing (including the 1985 Housing Element) make no projections of additions to the supply in the current decade, although reference is made to University of California policy to house more of its students, which could help ease the pressure on Berkeley's housing stock.

In the absence of significant increases in the supply, continued increases in demand can only serve to increase housing prices. It is important to recognize that, for various reasons, Berkeley is considered a desirable residential community by many people who are employed elsewhere. Because of such factors as the presence of the university, the views from the hills, the availability of attractive cultural and shopping opportunities, and the heterogeneity of the population, Berkeley's residential attractiveness is not likely to diminish, and as a result housing values probably will continue to inflate compared with the rest of the Bay Area whether or not employment expands. Employment expansion, however, does exacerbate the situation.

One potential outcome is displacement: the 80 to 100 households associated with the employment increase may supplant existing Berkeley residents by outbidding them in terms of rents and housing prices. It is not possible to estimate the actual level of displacement. However, it is reasonable to suppose that the propensity of this project's employees to live in Berkeley would be no greater than the 38 percent level currently characteristic of all Berkeley workers. Thus, the 80-to-100 range represents the maximum credible displacement from this project. The actual amount of displacement to be experienced, will probably be less than that level, but how much less cannot be determined.

Effect on Housing in West Berkeley. If not for the relatively lower purchasing costs, it is unlikely that project employees would have any greater preference for living in west Berkeley than elsewhere throughout the City of Berkeley. However, the fact that relatively inexpensive housing can be found there suggests the continuation of recent land use changes in west Berkeley could accelerate residential gentrification in addition to the commercial and office upgrading which is well under way. It is simply the case that this area will be seen by persons seeking housing in Berkeley and the greater East Bay as one remaining set of neighborhoods which are close in to jobs (in Oakland, San Francisco and Emeryville in addition to Berkeley), are affordably priced and enjoy good access to regional freeways. For these reasons, the west Berkeley area is somewhat more vulnerable to housing impacts than other Berkeley neighborhoods.

Live/work Space in the Proposed Project. As noted elsewhere in this report, the issue of whether the current live/work tenants in the Durkee Building are covered under the applicable city ordinances regarding residential structures is still under consideration by the City Attorney's office. The applicant has on several occasions committed to encouraging live/work spaces in the Durkee Building. However, the application of the city's stringent rent control and residential unit protection ordinances to rental space which otherwise would be free of these regulations could lead the applicant to modify this intention or could preclude removal of these units. The final impact in this regard cannot yet be forecast.

Housing Mitigation Measures

City staff is currently in the process of designing a housing impact mitigation program which would require either the direct provision of a set number of below-market-rate units or the payment of an in-lieu fee to offset anticipated impacts on the city's housing market. The fee would be based on a per square foot amount which could vary with the type of land use (e.g. office, industrial).

The variation in this rate would derive from the level of impact anticipated from employment in each land use.

If the proposed project were approved prior to the time the city implements the housing mitigation program, the city and applicant could negotiate a similar contribution based in part on the housing impacts forecast in the EIR. The contribution could be established as a Use Permit condition, as provided for in the City of Berkeley Zoning Ordinance.

The funding from this mitigation could be allocated to one or more of several citywide assistance measures: 1) Direct purchase of land for below-market-rate housing construction; 2) Direct construction of housing units for sale at below-market-rate prices; and/or 3) Subsidization of land or unit purchases by a non-profit organization for the purpose of sale or rent at below-market-rate prices.

It should be noted that if business and related employment opportunities are to be attracted to Berkeley, the total mitigation burden placed on new office development should not result in an investment return substantially lower than alternative nearby locations (a point made by the city's Economic Development Plan).

TRANSPORTATION

Existing Setting

Three elements of the transportation system currently serving the site are described and mapped below. The local and regional roadway network and its ability to carry existing traffic volumes is analyzed. A.C. Transit routes providing bus service near the site are described. Pedestrian and bikeway infrastructure are also noted.

Street System. The street system serving the site is comprised of freeways and local streets of various sizes, but it is the conditions at critical intersections which determine the overall level of service of the street system.

Freeways. A major regional freeway system serves the City of Berkeley and the site for the proposed project. The primary elements of this system are Interstate 80, Interstate 580 and State Routes 17, 24 and 13.

Interstate 80 is a major freeway routing north/south through Berkeley west of the project site. This route extends north into the City of Richmond (and eastward to Sacramento and beyond) and south and west to San Francisco via the Bay Bridge. In Berkeley I-80 overlaps with State Route 17, which extends south toward San Jose and north to Richmond; then west to San Rafael via the San Rafael/Richmond Bridge.

State Route 24 provides an east/west connection between San Francisco and Alameda and Contra Costa Counties. State Route 13 follows Ashby Avenue east through Berkeley from its interchange with Interstate 80. It serves as an east/west major street through parts of Berkeley. At the eastern end of Ashby Avenue, it becomes a north/south freeway linking Berkeley with eastern and southern Alameda County via Interstate 580. It also links Berkeley with Contra Costa County via SR 24.

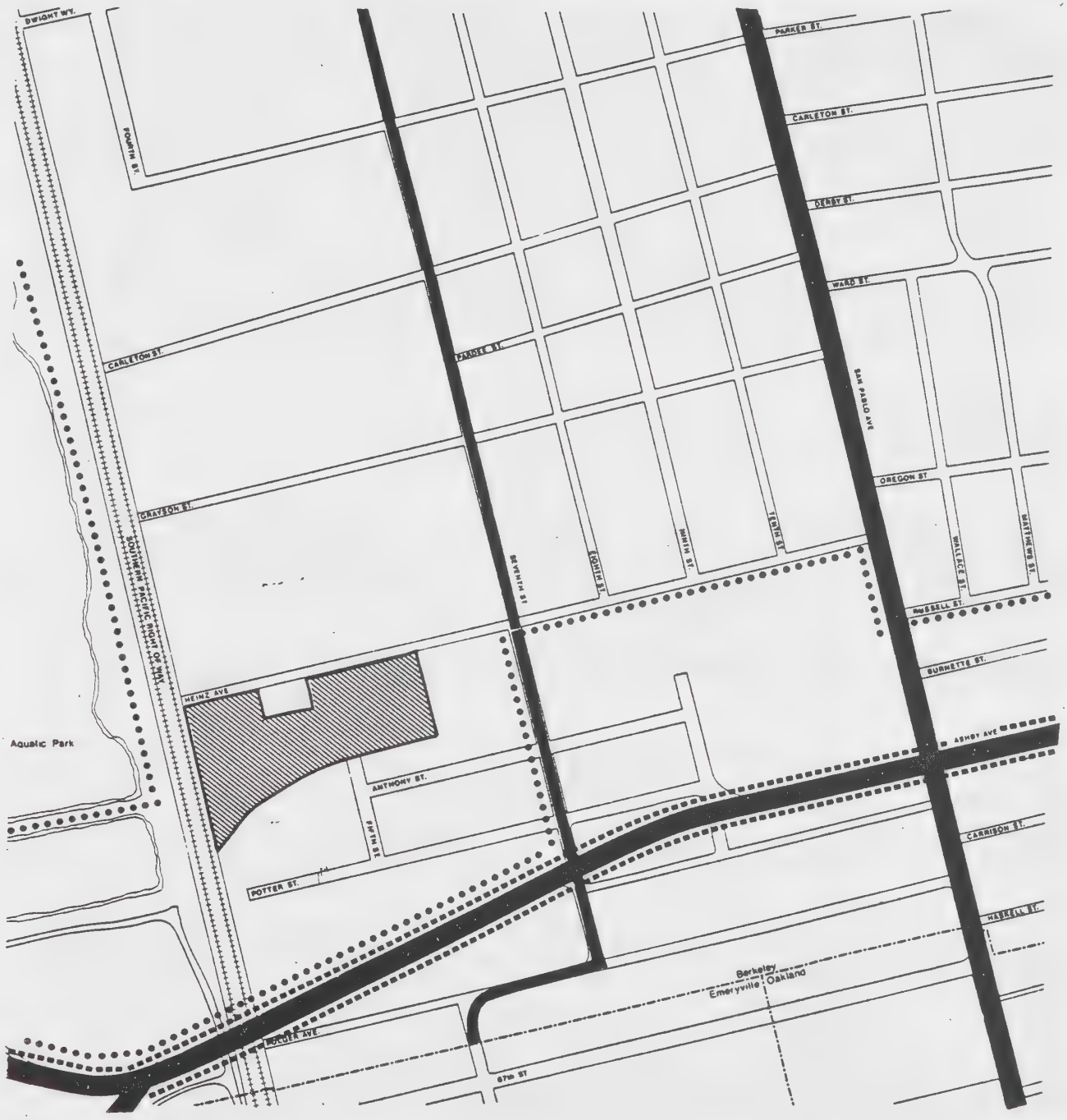
Interstate 80 would serve the proposed project via interchanges at Ashby and University Avenues. Both of these interchanges have ramps accessing north and south. State Route 24 will primarily serve commuters to and from the proposed project and central Contra Costa County who will access from south of Berkeley at various points along its route while those accessing from the South Bay will use State Route 13 and Interstate 580.

City Streets. Figure 21 shows the street system in the City of Berkeley. In 1975, the City of Berkeley adopted a city-wide Traffic Management Plan with the primary objective of discouraging through traffic on local residential streets. This plan was implemented through such devices as diverters, street closures, and one-way streets.

Streets in Berkeley are designated according to the specific need they serve. "Major streets" are high volume routes connecting districts within the city, as well as Berkeley with other cities, providing access to the major freeways in the vicinity. "Collector streets" carry varying traffic volumes and access between local streets, major streets, and activity centers in the city while "local streets" primarily provide access and parking for adjacent properties.

FIGURE 21

CIRCULATION PLAN (BERKELEY MASTER PLAN)



MAJOR STREET
COLLECTOR STREET
SCENIC ROUTE
BIKE WAY
PROJECT SITE

AQUATIC PARK CENTER (DURKEE SITE)

0 200 500 feet

Using these designations, Ashby, San Pablo, University Avenues and Dwight Way are the primary "major streets" serving the Aquatic Park Center site; Seventh Street is a primary "collector street"; and Heinz, Anthony, Potter and Fifth Streets are "local streets."

Street Network Near the Site. The northern edge of the site is bounded by Heinz Street, which terminates at the Southern Pacific Railroad (SPRR) right-of-way at the westerly edge of the site. Fifth Street is a north/south two-lane local street terminating at the southerly edge of the site and connecting with Anthony and Potter Streets. Anthony and Potter Streets are east/west local streets, one and two blocks in length, respectively, west of and connecting with Seventh Street, a collector street. Anthony Street is of primary importance for access to the site because at its easterly end it links with Ninth Street which then connects with Ashby Avenue. The Anthony-Ninth-Ashby route provides easier, and in the peak hour, the only access from Ashby Avenue eastbound to Seventh Street northbound. Direct eastbound movement from Ashby Avenue via a left turn onto northbound Seventh Street is prohibited at peak hours.

San Pablo Avenue is a major four-lane street parallel to and four blocks east of Seventh Street. Dwight Way is a two-lane arterial running east/west one-half mile north of the project site.

The site has access to the regional street system via Heinz and Anthony Streets east to Seventh Street. Seventh Street connects with Ashby Avenue (S.R. 13) two blocks south of Anthony Street and to University Avenue one mile north. As noted above, both Ashby and University Avenues have full interchanges with Interstate 80.

Average daily traffic (ADT) and PM peak hour traffic for these streets are shown in Figure 22.

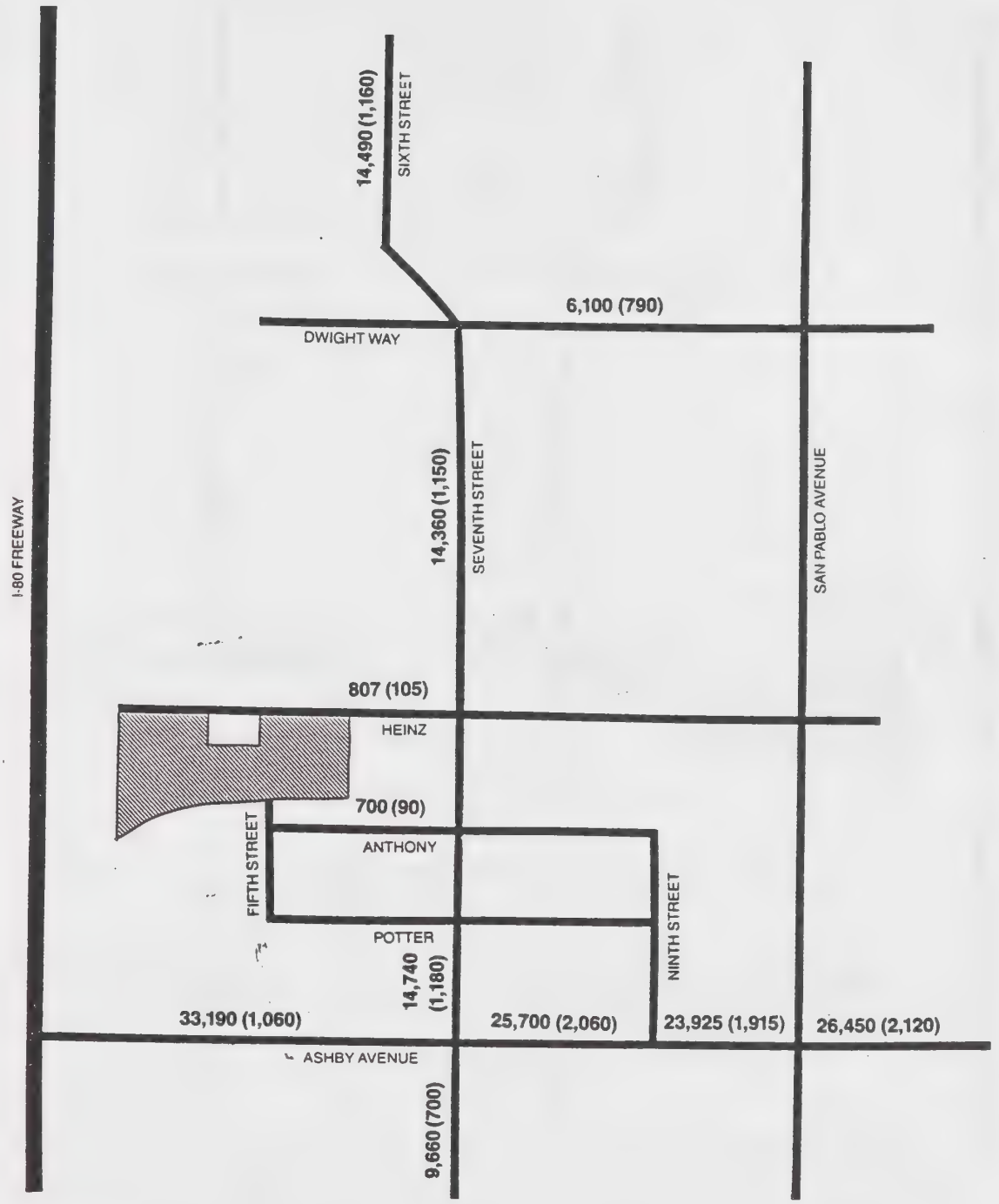
Local Intersections. The intersections of Seventh Street with Ashby Avenue, Anthony Street, Heinz Street and Dwight Way along with the Ashby/San Pablo Avenue intersection are considered critical and would be most heavily impacted by the proposed project. These intersections, designated and referred to later by numbers (1 through 5), are shown in Figure 23.

A level of service (LOS) analysis was performed at each of these critical intersections. LOS refers to how well an intersection functions. Calculation of the relationship between traffic volume entering an intersection and the intersection's physical capacity to accommodate traffic volume results in the LOS factor (referred to by traffic engineers using a lettered scale of A to F). Typically, these measurements are made at the hours of highest traffic volumes (AM and/or PM peak hour). Tables 5 and 6 show LOS definitions for signalized and unsignalized intersections.

For determining LOS at signalized intersections, methods described in Institute of Transportation Engineers (I.T.E.), Transportation Research Circular 212, January 1980, are used. Methods based on I.T.E., Transportation Research Circular 281, June 1984, are used for LOS analysis of unsignalized intersections.

FIGURE 22

EXISTING TRAFFIC: ADT AND PM PEAK HOUR



TWO-WAY TRAFFIC

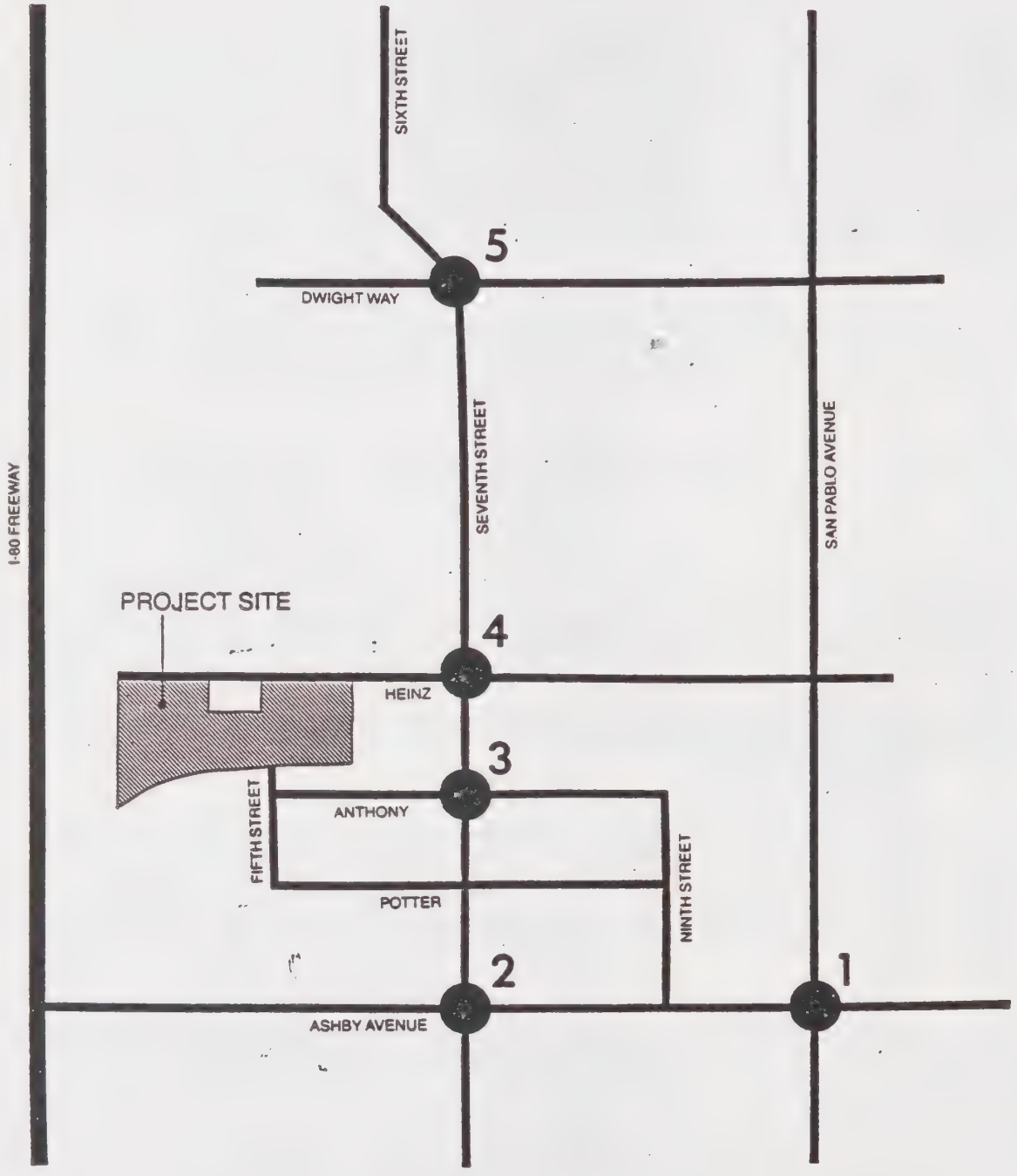
00 ADT

(00) PM PEAK HOUR

AQUATIC PARK CENTER (DURKEE SITE)

FIGURE 23

CRITICAL INTERSECTIONS ANALYZED



CRITICAL INTERSECTION

AQUATIC PARK CENTER (DURKEE SITE)

Table 5

Level of Service Definitions for Signalized Intersections

Level of Service	Interpretation	V/C Ratio
A, B	Uncongested operations; all queues clear in a single signal cycle.	<.7
C	Light congestion; occasional backups on critical approaches.	.71 - .80
D	Significant congestion on critical approaches but intersection functional. Cars required to wait through more than one cycle during short peaks. No long standing queues formed.	.81 - .90
E	Severe congestion with some long standing queues on critical approaches. Blockage of intersection may occur if traffic signal does not provide for protected turning movements. Traffic queue may block nearby intersection(s) upstream of critical approach(es).	.91 - 1.0
F	Total breakdown, stop-and-go operation.	<1.0

Source: ITE, 1980

Table 6

Level of Service Definitions for Unsignalized Intersections

Reserve Capacity	Level of Service	Expected Delay to Minor Street Traffic
≥400	A	Little or no delay
300-399	B	Short traffic delays
200-299	C	Average traffic delays
100-199	D	Long traffic delays
0-99	E	Very long traffic delays
n.a.	F	Severe congestion and queuing of traffic into upstream intersections

All intersections except the Seventh/Heinz Street intersection (4) were analyzed as signalized. Intersections 1 and 2 are presently signalized and Intersection 5 is expected to be signalized in the near future.

Intersection 3, Seventh/Anthony Streets, is presently controlled by stop signs on Anthony Street. Preliminary investigation shows that this intersection now operates at LOS F in the PM peak hour without signalization. Analyzing this intersection were to remain unsignalized in the future, congestion at LOS F would further deteriorate. Since signalization in this case would be required to improve the LOS and lessen the extreme delays and severe congestion, this intersection has been assumed to be signalized under all conditions in this analysis. This intersection is of primary importance for the proposed Aquatic Park Center because Anthony Street via Seventh and Ninth Streets links to Ashby Avenue and further destinations, and because of the relatively low level of service for side street traffic in the area.

Traffic counts for the LOS analysis were measured in March 1986 at Intersections 3, 4, and 5 for the AM and PM peak hours. Similar base data for Intersections 1 and 2 were provided by the City of Berkeley. Part of the data was based upon the City of Berkeley, 1984 Fuel Efficient Signal Study.

The critical intersections with signalization (1, 2, 3, and 5) currently operate at an optimal A or B LOS in both the AM and PM peak hours. Traffic movements at Intersection 4, analyzed with the stop sign controls currently in place, operates at LOS A to E. It has low levels of traffic but as presently configured, certain movements still provide only LOS E in the PM peak hour. Vehicular movements onto or across Seventh Street from Heinz Street can be expected to improve somewhat in the future if the Seventh/Anthony Streets intersection is signalized. Signalization of the intersections of Seventh/Anthony Streets and Seventh Street/Dwight Way will have the effect of metering north/south traffic, and thereby, providing more gaps in the Seventh Street traffic flow.

Transit. As Figure 24 shows, the project is served by A.C. Transit Bus Route 65, a crosstown route forming a loop through Berkeley. It routes north/south on Seventh Street, east/west on Dwight Way and Ashby Avenue with service east to the Piedmont, Derby, Belrose corridor. This route has a side connection with Center Street and Shattuck Avenue at the BART Station in downtown Berkeley and to the Ashby BART Station at Ashby Avenue and Adeline Streets in Berkeley, thereby providing indirect BART service to the site.

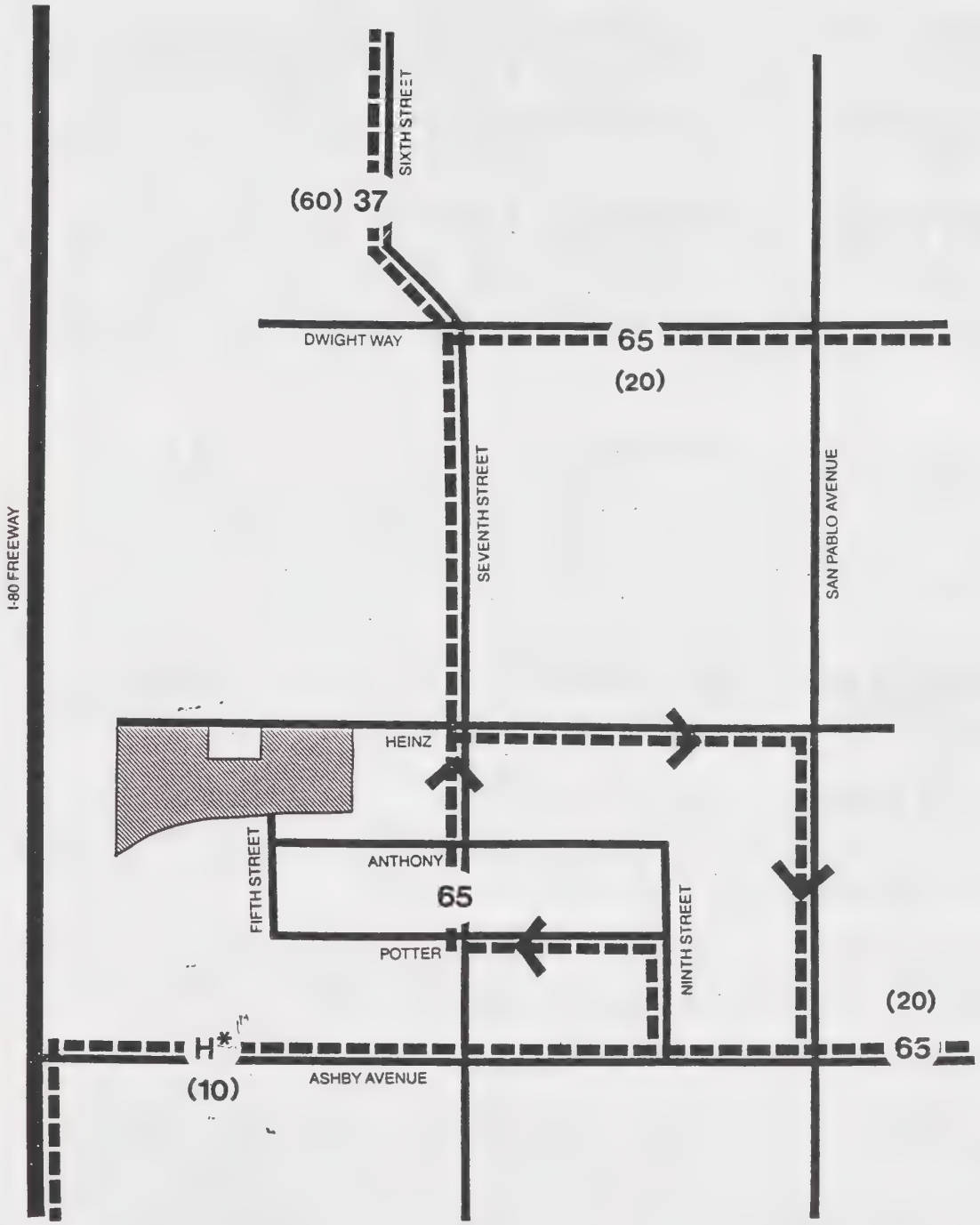
During the commute period, express bus service is provided by A.C. Transit Bus Route H to/from San Francisco and Kensington via downtown Berkeley with stops at the intersection of Ashby Avenue and Seventh Street.

A.C. Transit Bus Route 37 has a transfer point with Route 65 at the intersections of Seventh Street/Dwight Way and Ashby/Claremont Avenues in east Berkeley. From a terminal point at Dwight Way and Sixth Streets, Route 37 moves north on 6th Street to east on University into downtown Berkeley.

Frequency of service near the project varies from 10 minute intervals for Route H to 60 minute intervals for Route 37. Route 65 passes through the area every 20 minutes.

FIGURE 24

EXISTING TRANSIT ROUTES



(00) PEAK PERIOD FREQUENCY OF SERVICE IN MINUTES

* COMMUTE HOURS ONLY

PROJECT SITE

AQUATIC PARK CENTER (DURKEE SITE)

The principal bus stop for the site is at the intersection of Seventh and Heinz Streets, which is served by Route 65.

Parking. There is no off-street public parking in the vicinity of the project site. A very limited amount of onstreet parking without time limit controls is available on Heinz, Anthony and Seventh Streets. Of this onstreet parking, AM week-day observations found it to be about 95 percent utilized.

Pedestrian/Bikeway Circulation. Sidewalks are available adjacent to all streets in the nearby area except on segments of Heinz and Potter Streets. The Southern Pacific Railroad (SPRR) tracks form a barrier (which is, however, surmounted by determined pedestrians) to east/west pedestrian and bicycle access to Aquatic Park. Aquatic Park west of the project site has extensive pedestrian and bicycle paths on both sides of the lake within the park.

The City of Berkeley Master Plan, adopted in 1977, shows a bikeway network developed for the city. As Figure 21 shows, in the project site vicinity, the bicycle route follows Heinz Street west to southbound on Seventh Street, then, southwesterly on Ashby Avenue looping northward under and ending immediately north of the railroad underpass. While the network delineated in the Plan shows it ending at this point, a bikeway facility actually extends north into Aquatic Park where there is an extensive pathway network. The section along Ashby Avenue under the railroad underpass is presently blocked by a Caltrans chain link fence. Therefore, a portion of the bikeway network in the Plan as well as that facility extending northward into Aquatic Park cannot now be utilized.

Peak hour pedestrian counts at Intersections 3, 4 and 5 in March 1986 show that there is currently little pedestrian activity with a maximum of eight persons per hour using any of the intersections. Counts on Seventh Street showed a maximum of six bicyclists per hour.

However, pedestrian and bicycle activity would be expected to increase in the future if the area continues its transformation from industrial and warehouse to professional office and retail uses.

Impacts

The proposed project could create impacts on the traffic and circulation patterns in its immediate vicinity as well as in the larger study area. There will also be transportation related impacts from the several other nearby developments expected to be completed in the near future. In this analysis, the transportation related impacts of the proposed project on the street system including the nearby critical intersections are assessed. Then, the effects that other projected development in the area will have on the nearby intersections is analyzed. Finally, cumulative traffic impacts stemming from the other planned projects as well as impacts generated by the proposed project are added together and analyzed.

Travel Demand Analysis. The number of additional vehicular trips generated by the proposed project and other nearby developments, and how they would distribute themselves throughout the roadway network, is considered below.

Trip Generation. The proposed project would generate trips based upon the type and intensity of its land uses. The Institute of Transportation Engineers (I.T.E.) Trip Generation Manual was used to estimate the AM and PM peak hour trip rates for the proposed uses within each scenario as well as for the cumulative projects. These rates are shown in Table 7.

The estimated trips generated by each use within Scenarios One and Two of the proposed project are shown in Table 8. Scenarios One and Two show little difference in the number of trips generated in the AM or PM peak hours or in ADT. ADT generated by Scenario One is 3,259 and Scenario Two is 3,271.

The project under either scenario will produce the greatest impact on local traffic in the PM peak hour with 110 inbound and 306 outbound trips at this time for Scenario One.

Table 7

Trip Generation Rates by Land Use
For Proposed and Cumulative Projects
(per 1,000 GSF)

Land Use Type	Peak Hour AM In	Peak Hour AM Out	Peak Hour PM In	Peak Hour PM Out	Average Daily Traffic
General Office Type A[a]	1.93	0.20	0.26	1.70	10.90
General Office Type B[b]	2.12	0.38	0.40	2.42	17.70
Discount/Retail[c]	—	—	1.61	2.19	50.00
New Car Sales & Service[d]	1.27	1.76	2.62	3.46	47.50
Warehouse[e]	0.53	0.13	0.33	1.30	4.88

[a] General Office over 100,000 GSF - used for C-1, a portion of Carleton Street Business Center.
[b] General Office under 100,000 GSF - used for C-2, C-3, and the proposed Aquatic Park Center Project.
[c] Used for C-4, Whole Earth Access expansion.
[d] Used for C5A and C5B, Berkeley Auto Mall.
[e] Used for C-1, a portion of Carleton Street Business Center.

Source: Institute of Transportation Engineers (ITE), Trip Generation, 3rd Edition, 1982.

Table 8

Project Generated Trips For
Proposed Scenarios One and Two[a]

Building[b]	Land Use	Gross Square Feet	Peak Hour Trips AM In	AM Out	PM In	PM Out	Average Daily Traffic
Scenario One							
A	Theater	9,000	—	—	41	17	720
A	Restaurant	3,000	15	6	23	9	492
A	Office	12,000	25	5	5	29	213
B	Office	50,000	106	19	20	121	885
D	Office	53,600	114	20	21	130	949
Totals		127,600	260	50	110	306	3,259
Scenario Two							
A	Theater	9,000	—	—	41	17	720
A	Restaurant	3,000	15	6	23	9	492
A	Office	12,000	25	5	5	29	213
B	Office	13,500	16	5	5	33	239
C	Industrial/ R&D/Retail	18,624	39	7	7	45	329
E	Industrial/ R&D/Retail	18,432	39	7	7	45	329
F	Office	53,600	114	20	21	130	949
Totals		128,156	248	50	109	308	3,271

[a] These data were derived by multiplying the rates referred to in Table 7 by the project use.
[b] Refer to Figures 5 and 6 for Site Plans for Scenarios One and Two.

Source: Kenneth M. Bankston Associates

Trip Distribution and Assignment. The distribution pattern of trips to and from the project was developed based on empirical data presented in the 1980 Census, "Journey to Work" (July 1984) published by the Metropolitan Transportation Commission (MTC) as well as knowledge gained from site visits about the context within which the project would be located.

In assigning traffic, the following factors are considered:

- During peak periods, left turns from eastbound Ashby Avenue to northbound Seventh Street are prohibited. This particular movement is made two blocks east of Seventh Street at Ninth Street. After turning left to Ninth Street, Seventh Street can be approached via Potter or Anthony Street.

- Implementation of the proposed project will create a need for a traffic signal at either the intersection of Seventh/Heinz Streets or Seventh/Anthony Streets. The intersection of Seventh/Anthony Streets is more suitable for signalization because Anthony Street connects with Ashby Avenue via Ninth Street as described above. Therefore, the only project traffic assigned to Heinz Street is inbound traffic from southbound Seventh Street to westbound Heinz Street. (This assumption that inbound traffic assigned to Heinz Street would exit the site area via Anthony Street establishes a "worst case" analysis of that intersection. Some intrepid drivers might brave the Seventh/Heinz intersection but most would choose the signalized Seventh/Anthony intersection.)

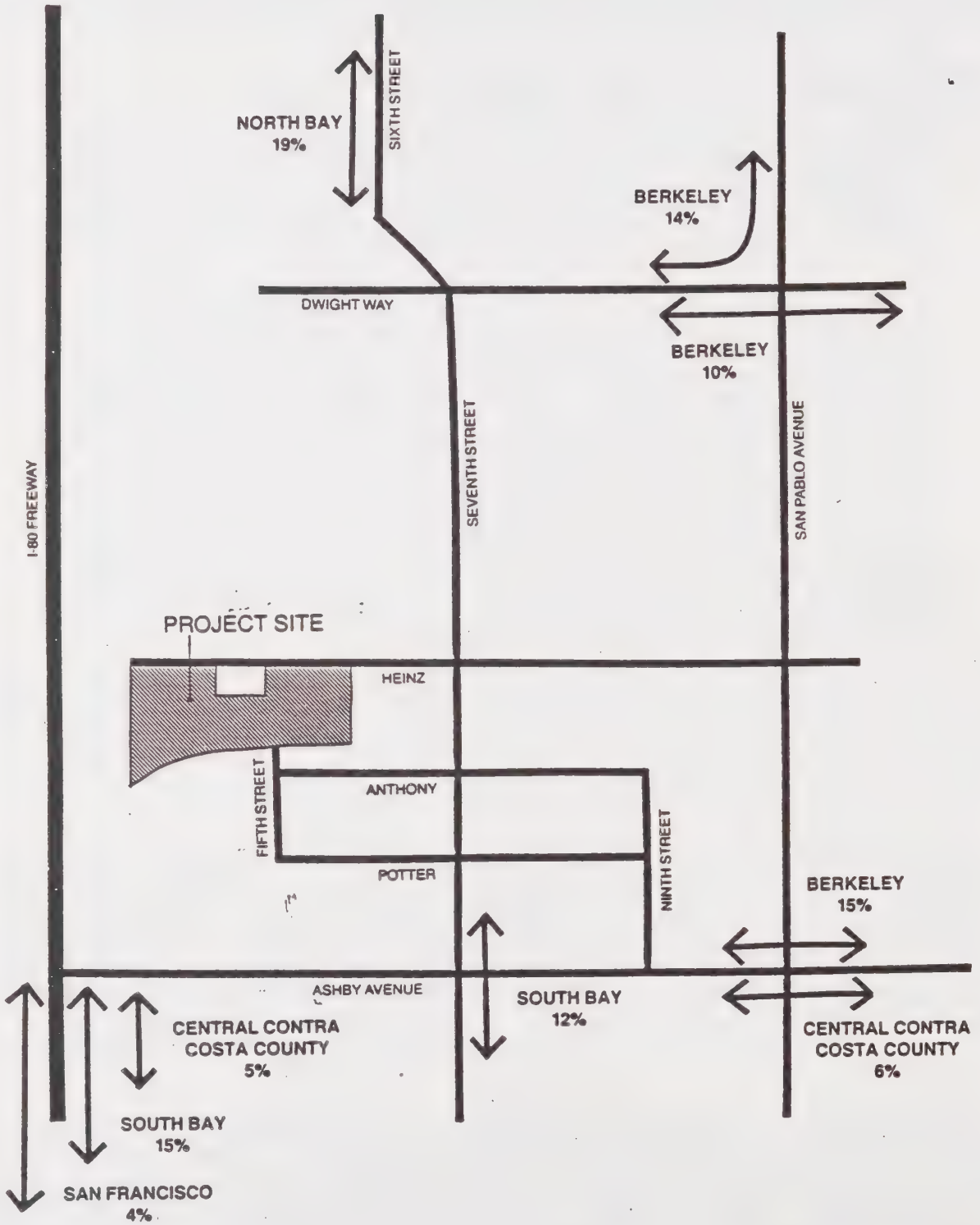
Figure 25 shows how project generated traffic is expected to distribute itself onto the nearby roadway network. Based upon this distribution, project traffic is assigned to the street system as shown in Figure 26. As Figure 26 shows, the project has the greatest impact on Anthony Street adding 2,780 ADT with 360 two-way trips in the PM peak hour.

Cumulative Development. As described in the land use section (pp.47 to 49) five projects in the general vicinity of the site have been identified as either proposed or in various stages of implementation. Figure 27 shows the location of these projects, coded C-1 through C-5. Only projects or portions of projects expected to be completed within the next five years are included. The Carleton Street Business Center will consist of 587,220 gross square feet (GSF) of floor area; however, since it is estimated to be only half built-out/occupied in the next 5 years, 293,610 GSF of floor area is included here for analysis.

Table 9 shows the characteristics of each of these projects, the expected AM and PM peak hour trips generated as well as ADT. In estimating trip generation by cumulative projects, similar procedures for determining trip generation rates, distribution, and assignment were followed as was done for the proposed project. The Berkeley Auto Mall (C-5A and C-5B in Figure 27) is an approved project totaling 160,000 GSF of floor area. Access for this project is split between Potter Street and Ashby Avenue. For this reason, C-5A with 80,000 GSF of floor area is assumed for the purposes of traffic analysis to access via Potter Street while C-5B with 80,000 GSF of floor area is assumed to access via Ashby Avenue. The traffic assignment reflects this split.

FIGURE 25

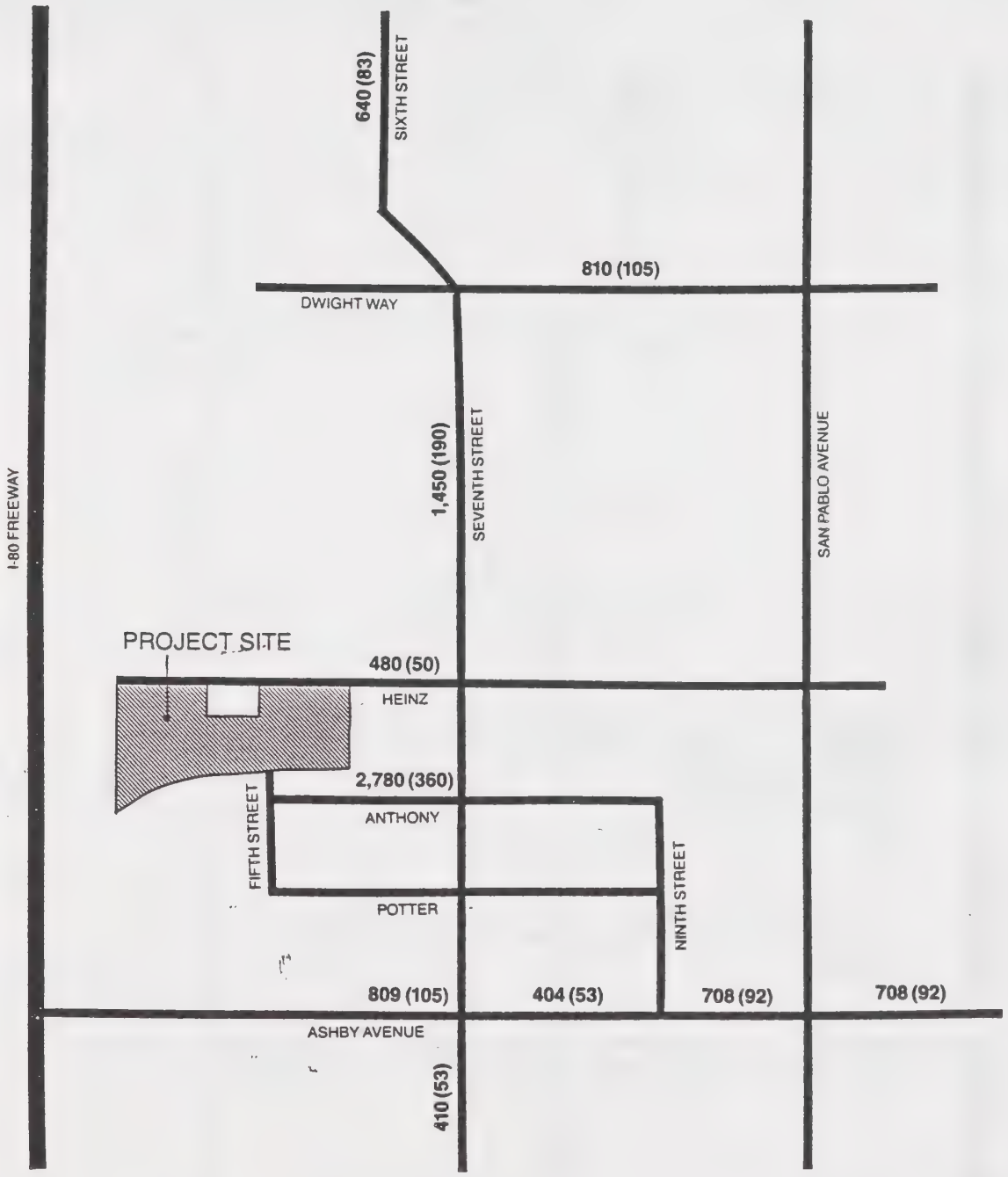
TRIP DISTRIBUTION



AQUATIC PARK CENTER
(DURKEE SITE)

FIGURE 26

PROJECT TRAFFIC: ADT AND PM PEAK HOUR



TWO-WAY TRAFFIC

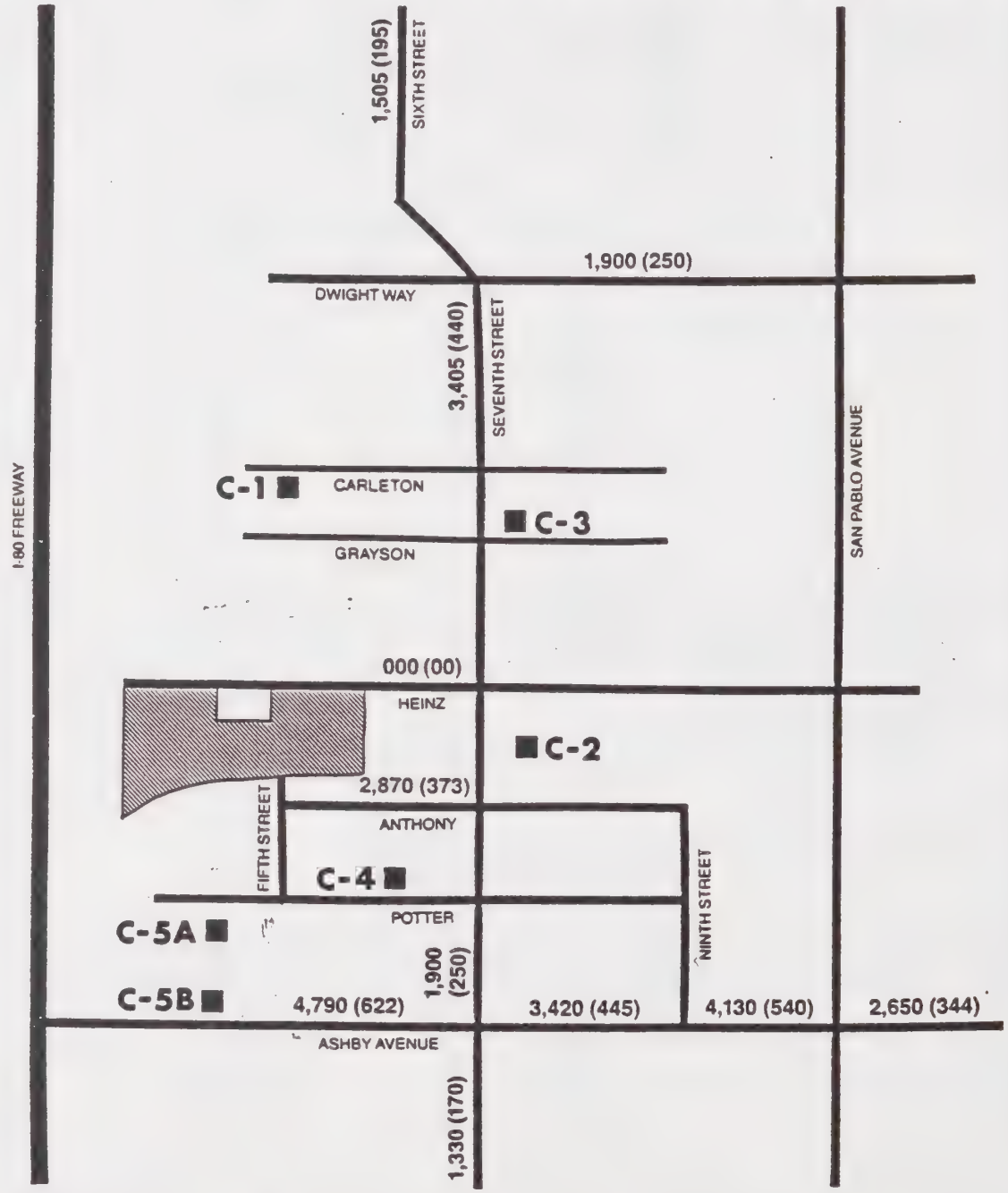
00 ADT

(00) PM PEAK HOUR

AQUATIC PARK CENTER (DURKEE SITE)

FIGURE 27

CUMULATIVE PROJECT LOCATIONS AND TRAFFIC GENERATED (ADT AND PM PEAK HOUR)



TWO-WAY TRAFFIC

00 ADT

(00) PM PEAK HOUR

■ CUMULATIVE PROJECT

Note: C5A has access to Potter St.
C5B has access to Ashby Ave

AQUATIC PARK CENTER (DURKEE SITE)

Table 9

Trip Generation for Cumulative Projects[a]

Project and Use	Gross Square Feet	Peak Hour Trips AM In	Peak Hour Trips AM Out	Peak Hour Trips PM In	Peak Hour Trips PM Out	Average Daily Traffic
C-1 - Carlton Street Business Center						
Office	225,895	384	45	59	384	2,463
Warehouse	67,715	88	9	22	88	330
C-2 - Wareham Office Building						
Office[b]	10,000	22	4	4	24	177
C-3 - Mighetto & Youngmeister						
Office[b]	10,000	22	4	4	24	177
C-4 - Whole Earth Access						
Discount Store Retail	12,000	—[c]	—	19	26	600
C-5A - Berkeley Auto Mall North						
New Car Sales and Service	80,000	101	141	210	277	3,800
C-5B - Berkeley Auto Mall South						
New Car Sales and Service	80,000	101	141	210	277	3,800
Totals	485,610	718	344	528	1,100	11,347

[a] These data were derived by multiplying the rates referred to in Table 8 by the project use.
[b] Under 100,000 GSF.
[c] Not open in AM.

Source: Kenneth M. Bankston Associates

Table 9 shows that these projects cumulatively without the proposed project will generate an estimated 11,347 average daily trips including 1,062 AM and 1,628 PM peak hour trips. Figure 27 shows the PM peak hour traffic and ADT resulting from the cumulative projects as assigned to the existing street system.

Traffic Impacts.

Street System. Existing traffic plus that generated by the project and the five cumulative projects on the nearby street system is shown in Figure 28. Of the impacted streets, the highest rates of increase are on the local streets of Anthony (900 percent) and Heinz (60 percent), with more moderate rates of increase on the collector streets of Seventh south of Dwight Way (34 percent) and along Dwight Way (44 percent). The lowest rates of increase would be experienced on the major streets of Ashby (17 percent) and San Pablo (4 percent) Avenues. However, some streets have greater excess capacity and at different points on their routes than others, regardless of the level of traffic they are projected to handle.

To find out how traffic on the nearby street system will affect levels of service, it is necessary to measure the traffic volumes relative to overall capacity at the critical intersections.

Critical Intersections. Table 10 shows the LOS for the five critical intersections in the project vicinity selected for detailed analysis. The estimated future traffic volumes are analyzed using trips generated as shown in Tables 7 and 8.

Traffic impacts on critical intersections are analyzed under the following conditions to forecast the LOS and v/c ratios: existing traffic (I); existing traffic plus project traffic only (II); existing traffic plus the cumulative projects only (III); and existing traffic plus project traffic combined with the cumulative traffic (IV).

A separate discussion and analysis of each of the critical intersections follows below based upon the results of the quantitative analysis combined with a discussion of the factors relevant to each individual intersection.

The San Pablo/Ashby Avenue intersection operates at LOS C in the PM peak hour under the most heavily impacted conditions III and IV, with existing and the cumulative projects only and with the cumulative projects plus the proposed project. However, the intersection lacks independent phasing for left turn movements and therefore favors through traffic on all four of its legs. Incorporating separate phasing for left turns at the intersection would have the effect of lowering the overall LOS at the intersection but would provide a more equitable use of the intersection for all motorists. In addition, the lack of separate left turn phasing at this intersection encourages much lane changing and other undesirable vehicular movements at its approaches.

Table 10

Level of Service at Critical Intersections
Aquatic Park Center[a]

Intersection	I[b] AM	I[b] PM	II AM	II PM	III AM	III PM	IV AM	IV PM
San Pablo/ Ashby	A (.52)	B (.64)	A (.54)	B (.66)	A (.57)	C (.72)	A (.59)	C (.74)
Seventh/ Ashby	A (.50)	B (.63)	A (.52)	B (.69)	B (.60)	D (.85)	B (.63)	E (.91)
Seventh/ Anthony	A (.41)	A (.56)	A (.47)	B (.68)	A (.54)	C (.78)	B (.70)	D (.82)
Seventh/ Heinz	A-D	A-E	A-D	A-E	A-E	A-E	A-E	A-E
Seventh/ Dwight Way	A (.48)	B (.64)	A (.56)	B (.70)	B (.70)	C (.80)	C (.78)	D (.86)

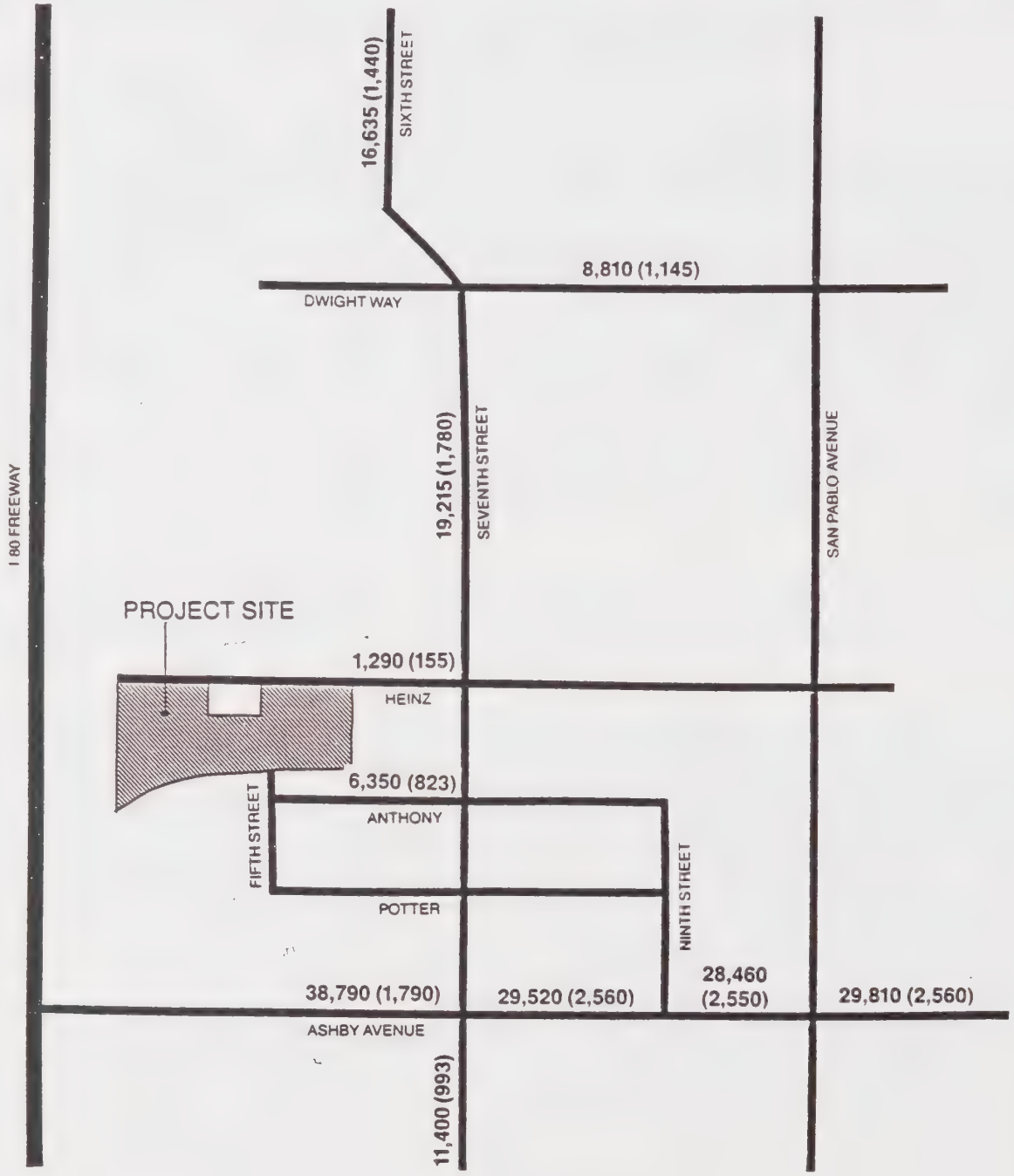
[a] See Tables 5 and 6 for Level of Service definitions. The v/c ratios are in parentheses immediately below the LOS levels. All intersections are analyzed as signalized except number 4. Numbers 3 and 5 are not now signalized but are expected to be in the near future. The analysis for unsignalized intersections is by individual movement and therefore number 4 shows variation by movement, i.e., from A to D or from A to E.

[b] Conditions for which traffic impacts are analyzed:
I - Existing 1986.
II - Existing 1986 with Proposed Project
III - Existing 1986 with Cumulative Projects without Proposed Project
IV - Existing 1986 with Cumulative Projects with Proposed Project.

Source: Kenneth M. Bankston Associates

FIGURE 28

CUMULATIVE + PROJECT TRAFFIC: ADT AND PM PEAK HOUR



TWO-WAY TRAFFIC

00 ADT

* (00) PM PEAK HOUR

AQUATIC PARK CENTER (DURKEE SITE)

The Ashby Avenue/Seventh Street intersection operates at an uncongested LOS under existing traffic conditions but decreases to LOS E in the PM peak hour under condition IV (cumulative projects with the proposed project). This occurs even though no left turns are permitted for eastbound Ashby Avenue traffic. Since left turn movements are given no separate phasing, they operate at an LOS lower than that which the quantitative analysis measures. Providing separate phasing for these left turn movements at this intersection may be counter-productive because left turn lanes and separate left turn phasing will definitely reduce the through put of vehicles on both Ashby Avenue and Seventh Street. In addition, the provision of left turn lanes and phasing will tend to encourage utilization of the Seventh Street corridor by traffic which should use I-80 but because of its peak hour congestion, would elect to use Seventh Street between Ashby and University Avenues as a by-pass. This activity should be discouraged. Traffic to and from Ashby Avenue can reach Seventh Street north of Ashby Avenue via Ninth Street, a "T" intersection which works well now but may ultimately require signalization.

If signalization is assumed, the intersection of Seventh/Anthony Streets would operate at LOS A. Under Condition IV in the PM peak hour, this intersection's LOS would decrease to D. With project and existing traffic, only, its PM peak hour LOS is B. Projects C-4 and C-5A impact this intersection heavily as well. With these cumulative projects added, its LOS is reduced further.

The effects of C-4 and C-5A may be somewhat overstated, but Table 10 represents a worse case effect. That is, left turn and through movements at the eastbound Potter Street approach to Seventh Street currently operate at an LOS of E. A minor increase in these movements will cause the LOS to drop to F at the intersection. Therefore, traffic generated by C-4 and C-5A which might use the Seventh/Potter Street intersection will shift via Fifth and Anthony Streets to the Seventh/Anthony Street intersection to avoid the congestion at Seventh/Potter Streets. This will tend to happen most often during the PM peak hour. The planned signalization of Seventh/Anthony Streets will provide greater safety and ease of movement, thereby, providing added inducement for its use.

Traffic flows on Seventh Street at its intersection with Heinz Street are currently operating at LOS E and would remain at that level under conditions II, III, and IV. Signalization of intersections 3 and 5 will help to create gaps in traffic on Seventh Street, thereby facilitating movements onto Seventh Street from Heinz Street.

The complex intersection of Seventh/Dwight Way has five streets branching from it. The fifth street intersecting is a diagonal connection providing north/south traffic continuity between Seventh Street south of and Sixth Street north of Dwight Way. Without signalization of this intersection in the near future, through movements for Dwight Way that are difficult now are expected to worsen considerably as cumulative projects are builtout. This presents a particularly acute problem for the several buses crossing from Dwight Way.

Due to the uniqueness and complexity of the lane geometry at this intersection, the projection of LOS D operation under Condition IV in the PM peak hour understates actual congestion levels even with signalization. However, signals will provide greater safety and better accessibility for traffic coming onto and off of Dwight Way from Seventh or Sixth Streets.

Individual Project Impacts on Critical Intersections. Table 11 shows the amount and percentage of total traffic growth generated by the proposed Aquatic Park Center Project and each of the five cumulative projects analyzed at each of the critical intersections. The most significant traffic impact is at the Seventh/Anthony intersection with a total of 939 vehicles entering it in the PM peak hour. The projects impacting it most are the Berkeley Auto Mall, North (38 percent) and the proposed Aquatic Park Center project (39 percent). The Carlton Street Business Center (C-5A) also has a 17 percent impact at that intersection.

Transit Impacts. The impact of the proposed project on bus passenger trips is expected to be insignificant ranging from less than one to five percent of total trips on nearby routes. This is primarily due to the probable high auto ownership of employees, constraints on the availability and frequency of bus service, as well as the free parking provisions currently available and planned in the area.

Assuming that five percent of the trips generated were bus passenger trips, 21 passenger trips could be generated by the proposed project. If all of these trips used A.C. Transit Route 65 (the route serving the nearest bus stop at the Seventh/Heinz Streets intersection), it would increase the load factor on that route from 0.33 now to 0.41.

Site Plan Evaluation. The proposed Aquatic Park Center project under both Scenarios One and Two has a two-story parking garage in the center of the site with 90 stalls and a parking lot west and southwest of the site facing Office Building D. Other surface parking is dispersed on the site (See Figures 5 and 6).

Onsite Circulation. Access to and from these parking facilities would predominantly make use of Heinz Street. Given the street network in the vicinity of the project, the impacts of this project as well as the cumulative projects, and practicable improvements, primary access should be to/from Anthony Street via Fifth Street. While the site plan currently would allow this movement indirectly, it would do so by requiring traffic to/from the large westerly surface parking lot to travel on Heinz Street to the central driveway which connects with Fifth Street.

Internal circulation could be improved if the parking garage were to be relocated northward to provide an onsite two-way east/west driveway. This driveway would connect the westerly surface parking lot with Fifth and Anthony Streets.

Parking Ratios. Scenario One provides 2.0 spaces per 1,000 GSF while Scenario Two provides 2.1 spaces per 1,000 GSF of building floor area. While this approximates the City Code requirements of 2 spaces per 1,000 GSF, typical provisions in Bay Area communities for parking for office facilities include 3.5 spaces per 1,000 GSF of floor area.

Table 11

Vehicles Entering Critical Intersections[a]
PM Peak Hour
(Percentage of Intersection Volume Shown in Parentheses)

Building	Project	Critical Intersection Number 1	2	3	4	5
C-1	Carlton Street Business Center	95 (18%)	181 (21%)	162 (17%)	162 (27%)	195 (31%)
C-2	Wareham Office Building	0 (-)	9 (1%)	9 (1%)	13 (2%)	11 (2%)
C-3	Mighetto & Youngmeister	0 (-)	9 (1%)	9 (1%)	13 (2%)	11 (2%)
C-4	Whole Earth Access	6 (-)	16 (2%)	36 (4%)	19 (3%)	19 (3%)
C-5A	Berkeley Auto Mall North	102 (20%)	174 (20%)	361 (38%)	209 (35%)	209 (33%)
C-5B	Berkeley Auto Mall South	221 (43%)	311 (37%)	0 (-)	0 (-)	0 (-)
Proposed Project:	Aquatic Park Center	91 (18%)	157 (18%)	362 (39%)	187 (31%)	187 (29%)
Total Vehicles		515	857	939	603	632
Total Percentage by Intersection		(100%)	(100%)	(100%)	(100%)	(100%)

[a] This table shows the estimated number of vehicles generated by each of the cumulative projects and the proposed project entering each intersection in the PM peak hour. Intersections are designated: 1. San Pablo/Ashby; 2. Seventh/Ashby; 3. Seventh/Anthony; 4. Seventh/Heinz; 5. Seventh/Dwight Way. Figure 27 maps their locations. The percent of total traffic growth generated by each project at each intersection is indicated in parentheses.

Source: Kenneth M. Bankston Associates

Forecasting the likely demand for parking at the project on the basis of the individual uses proposed results in a finding that, without mitigations demand would exceed supply.

As shown in Table 12, the parking demand for a typical development like Scenario One or Two would be on the order of 402-410 spaces during "business hours"; the theatre would generally result in parking demand later in the evening. The proposed project would provide 255 or 272 spaces, respectively, resulting in a forecast deficit of 130-147 spaces.

Expansion of the parking garage as designed could provide up to 45 spaces per additional level. In addition, implementation of a vanpooling program and other Transportation Systems Management (TSM) program elements could shift the mode of commuters enough to reduce parking demand.

Pedestrian Circulation.

Internal pedestrian circulation for both Scenarios One and Two is adequate with the exception of an absence of specifically designated pedestrian access to Heinz Street, which will provide principal access for pedestrians and potential transit riders.

Both scenarios propose a pedestrian over-crossing at the westerly end of Heinz Street spanning the SPRR and connecting with the extensive pedestrian and bikeway system in Aquatic Park. This pedestrian feature greatly enhances recreational pedestrian movement for a large segment of west Berkeley and, in particular, employees in the general vicinity of the project site. (Consideration of the proposed bridge in terms of accessibility by physically disabled persons and its relationship to existing pathways in Aquatic Park is under way). (See Site Plan and Urban Design Mitigation Measures for further discussion of this issue.)

Mitigation Measures

Several mitigation measures are recommended on the basis of impacts created specifically by the proposed project as well as upcoming cumulative development in southwest Berkeley. Responsibility for mitigation of the former impacts should fall on the applicant while mitigating the latter impacts should be a responsibility shared by the applicant, other developments and the City of Berkeley.

Project Related (Developer Responsibility).

(1) Install a signal at the intersection of Seventh/Anthony Streets.

(2) Create two approach lanes for the Anthony Street and Heinz Avenue approaches to Seventh Street so as to allow separation of turning movements from through traffic.

(3) Restripe Seventh Street to create left turn lanes in addition to through lanes on the approaches to the intersections of Seventh Street/Anthony Street and Seventh Street/Heinz Avenue.

(4) Install a stop sign at the northerly extension of Fifth Street (at Heinz Avenue) and stripe the centerline of this extension.

(5) Upgrade the pavement quality to a level acceptable to the Department of Public Works where necessary along portions of Anthony Street, Fifth Street and Heinz Avenue.

Table 12

Parking Demand Forecast

Building	Land Use	Gross Square Feet	Theatre/ Restaurant Seating	Parking[a] Spaces Per Unit	Total Theoretical Demand	Estimated Weekday Office Hours Demand (spaces)
Scenario One						
A	Theater	9,000	600 seats	0.33/seat	198	-
A	Restaurant	3,000	167 seats	0.50/seat	84	28[b]
A	Office	12,000		3.3/1000 sf	40	40
B	Office	50,000		3.3/1000 sf	165	165
D	Office	53,600		3.3/1000 sf	177	177
Totals		127,600			664	410
Scenario Two						
A	Theater	9,000	600 seats	0.33/seat	198	-
A	Restaurant	3,000	167 seats	0.50/seat	84	28[b]
A	Office	12,000		3.3/1000 sf	40	40
B	Office	13,500		3.3/1000 sf	45	45
C	Industrial/ R&D/Retail	18,624		3.0/1000 sf	56	56
E	Industrial/ R&D/Retail	18,432		3.0/1000 sf	56	56
F	Office	53,600		3.3/1000 sf	177	177
Totals		128,156			656	402

[a] Source of rates: Institute of Transportation Engineers, Transportation and Traffic Engineering Handbook, 1982, Table 21-1, p. 647.

[b] Assume two-thirds walk in from nearby offices and businesses.

(6) Provide a sidewalk along Heinz Street adjacent to the Aquatic Park Center Project from the westerly end of the existing sidewalk to the proposed pedestrian overcrossing at the extreme westerly end of Heinz Street.

(7) The westerly project property line should be fenced along its entire length to dissuade pedestrians from making at grade crossings of the railroad tracks.

(8) Improve internal pedestrian circulation by providing a north/south walkway connection near the Durkee Building from the east/west pedestrian spine to Heinz Street.

(9) Improve internal site circulation by relocating the proposed parking structure 25-30 feet to the north to allow for a two-way driveway west from the Fifth Street entrance to the westerly surface parking area.

(10) The city Traffic Engineer should review and approve the number, size and configuration of proposed loading docks. Additional loading docks beyond the three proposed in Scenario One would be required if that were to become the preferred scenario.

(11) Onsite signing to clearly identify buildings so as to assist drivers selecting a parking area should be carefully considered by the project architect. Additionally, signs indicating the route to the new signal at Seventh and Anthony Streets would reduce congestion at Seventh Street and Heinz Avenue.

(12) The footprint of the proposed parking structure should be enlarged to provide additional parking initially, and be designed in a way that will allow a third floor to be added in the future. The precise number of spaces to be added in the initial phase should be determined by the city after balancing the need for onsite parking with the desired level of the project's contribution toward alternative transportation modes.

Additionally, conditions of approval for the project should mandate the project owner to report annually to the City actual employment at the site, and to have a parking utilization study prepared by a professional transportation engineer. The findings of this study may be subject to independent verification by the City. Should parking occupancy exceed the 85 percent level, the project owner should be required to expand the parking garage. The City could also require more rigorous TSM measures (see Measures below).

(13) In order to reach the citywide transit mode share of 16 percent (versus the estimated 5 percent transit share assumed for impact purposes), the City could require Wareham Development and succeeding property owners, managers or major tenants to provide in perpetuity a number of vans to be driven free of charge by onsite employees. Carrying 11 percent of the onsite workforce (roughly 44 persons) in vanpools would require four vans costing on the order of $9,000 each per year (1986 dollars) for operation (including maintenance and fuel). RIDES for Bay Area Commuters, a nonprofit organization, could provide assistance.

(14) The developer should be required to participate in any future Transportation Assessment District formed in the area for areawide improvements. However, this project's "fair share" contribution should take into account the offsite traffic improvements made as required by the conditions of project approval.

(15) Wareham Development, the City, and Caltrans should work together to reopen the pedestrian/bicycle access along the north side of Ashby Avenue through the SPRR Underpass to link southwest Berkeley with Aquatic Park. The City's role would be as facilitator/liaison and any required funding would be the responsibility of the developer. The importance of this mitigation would greatly increase in the event that the proposed pedestrian bridge over the railroad tracks were deleted from the project. It should also be noted that Caltrans has proposed to incorporate into its Ashby/I-80 interchange modifications a similar pedestrian access route on the south side of Ashby.

Cumulative Development Related (City Responsibility With Developer Participation Required).

(16) All new developments of 20,000 GSF or more in the west Berkeley area including the proposed Aquatic Park Center project and the cumulative projects meeting these space specifications should be required to prepare a Transportation Systems Management Plan. In formulating the TSM Plan for the Aquatic Park Center project, consideration should be given to the following components:

- Designation of a Transportation Coordinator for the proposed project, or in combination with the initial Aquatic Park Center Park buildings (located immediately east of the Durkee site).

- Preferential parking for car- and vanpools, and for short-term parkers.

- Provision of an informational kiosk or bulletin board in or near the ground floor lobby where brochures and other information about transit or ridesharing or other TSM programs would be available. Berkeley Trips, the local ridesharing agency, would provide information on programs to assist persons interested in taking transit or in joining a car- or vanpool.

- Designation of bicycle parking facility within the parking structure which is well lighted and covered by onsite security. Additional bicycle parking spaces should be provided adjacent to each of the project buildings.

- Space for motorcycles should be designated in the garage. Areas of the garage could be used for motorcycle access without displacing many automobile spaces.

(17) Improve the San Pablo/Ashby Avenue intersection to provide separate left turn phases for all approaches.

(18) When warranted, install a traffic signal at the Ashby Avenue/Ninth Street intersection.

AIR QUALITY

Setting

The project site is located on the east shore of the San Francisco Bay, and is usually exposed to influxes of marine air from the west. Located within the San Francisco Bay Area Air Basin, the project area has a relatively low pollution potential due to prevailing westerly winds.

Seasonal temperature variations are relatively small, with a mean winter temperature of 48 degrees Fahrenheit and a mean summer temperature of 63 degrees Fahrenheit. The climate is characterized by moderately wet winters and dry summers. Annual precipitation is 28 inches, with over 90 percent of the precipitation occurring during the months of November through April.

Air quality standards have been set by the state and federal governments for ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide and particulates. For environmental impact document purposes, the applicable standards have been defined by the Bay Area Air Quality Management District (BAAQMD) as the more stringent of the federal and state standards.

The San Francisco Bay Area Air Basin has been designated by the U.S. Environmental Protection Agency as a non-attainment area for ozone and carbon monoxide, in that federal air quality standards for these pollutants have not been met.

Ozone is a regional air quality problem which is most serious during the summer and fall months. Ozone is produced in the atmosphere as a result of chemical reactions between hydrocarbons and nitrogen oxides in the presence of sunlight.

In contrast, carbon monoxide is a sub-regional problem which occurs as a result of a combination of congested traffic conditions and adverse meteorological conditions in which the carbon monoxide is trapped under an "inversion" layer (a cooler layer over a warmer layer of air which impedes dilution of pollutants). High levels of carbon monoxide typically occur during the winter months.

The BAAQMD routinely monitors air quality at Oakland, which is the station closest to the project site. Monitoring data from this station, as shown in Table 13, indicate that the state ozone standard has been exceeded in the last three years but that ozone levels have not exceeded the federal standard. The data also indicate that the one-hour and eight-hour carbon monoxide standards have not been exceeded within the past three years.

There has been no violation of the state or federal sulfur dioxide standards since 1976. The federal standard for nitrogen dioxide has not been exceeded in the Bay Area; and the state one-hour standard has been exceeded only once, in 1980, at San Jose. In 1985, the state standard for particulates was changed to focus on respirable particles. Air quality data relating to the new standard are not yet available.

The major sources of air quality contaminants in the project area are from motor vehicles.

Table 13

Maximum Ozone and Carbon Monoxide Concentrations
Measured at BAAQMD Oakland Station, 1983-1985
(parts per million)

BAAQMD Station	Ozone[a]				Carbon Monoxide			
	1983	1984	1985	Std.[b]	1983	1984	1985	Std.[c]
Oakland	0.12	0.11	0.12	0.10	7.3	8.0	5.8	9 (8-hr)
					11.0	NA	9.0	20 (1-hr)

[a] Maximum hourly average value.
[b] State standard (federal standard is 0.12 ppm).
[c] State eight-hour standard; federal one-hour standard.
NA = Not Available

Source: BAAQMD

Impacts

Short-term air quality impacts would consist of construction activities associated with the proposed project. These include short-term dust generation from construction work, slight hydrocarbon and odor emissions from building materials, and vehicular emissions from construction equipment. The short-term air quality impacts of the proposed project could last for up to eight months, the estimated time period of construction. Approximately 48 tons of particulates would be generated during construction, based on an emission rate of 1.2 tons per month of construction, per acre (BAAQMD, 1985). Particulate emissions from construction would be minor in terms of quantity, but might present adverse health impacts due to potential contamination of soils with caustic material (see Public Health Considerations section).

Long-term regional (i.e. within the Bay Area Air Basin) air quality impacts would be due primarily to the increase in traffic. The traffic analysis determined that the proposed project would generate a total of roughly 3,260 vehicle trips per day (Bankston, 1986). Table 14 shows the incremental increase in pollutant emissions due to project-generated traffic and compares these with 1990 Alameda County emissions, which are estimated based on regional emissions inventories developed by the BAAQMD. The figures indicate that the additional emissions due to the project would not cause a measurable degradation of regional air quality.

Long-term sub-regional air quality impacts would consist of increases in carbon monoxide concentrations at critical intersections in the vicinity of the proposed project. Five critical intersections have been identified for the proposed project (see Transportation Section) as follows: San Pablo/Ashby, Seventh/Ashby, Seventh/Anthony, Seventh/Heinz and Seventh/Dwight Way.

Table 14

Estimated Total Emissions Generated by the Proposed Project in 1990 Due to Motor Vehicles (tons per day)

Pollutant	1990 Emissions With Project[a]	1990 Alameda County Emissions[b]
Carbon monoxide	0.41	458
Hydrocarbons	0.04	100
Nitrogen oxides	0.04	70
Sulfur dioxide	0.01	16
Total suspended particulates	0.08	125

[a] Assumes an average speed of 25 miles per hour, an average trip length of 9.6 miles, and EMFAC6D factors.
[b] BAAQMD

Source: Baseline Environmental Consulting

Table 15 shows estimated worst-case carbon monoxide concentrations for these five critical intersections in 1990 with and without project implementation. Calculations are based on methods developed by BAAQMD (1985).

The results of the analysis indicate that the one-hour and eight-hour carbon monoxide standards will not be exceeded as a result of the proposed project, and that the proposed project would contribute a maximum of 0.7 ppm, or 7 percent, to 1990 baseline eight-hour worst case concentration at the intersection of Seventh and Anthony Streets. Neither the one-hour (federal) nor the eight-hour (state) standards would be exceeded as a result of the proposed project. Consequently, the impact of the project on sub-regional air quality would not be significant.

Mitigation Measures

Mitigation measures for control of dust and hydrocarbon emissions during the period of project construction are as follows:

- Execute an effective sprinkling program to reduce dust emissions.
- Schedule major dust-generating activities for those periods when local winds are light.
- Cover storage piles (dirt, construction refuse, etc.) adequately with plastic sheeting.
- Minimize particulate and hydrocarbon emissions from motorized construction equipment through proper maintenance and operation.

Since the proposed project will not have any significant long-term effects on regional or sub-regional air quality, no specific mitigation measures are recommended.

Table 15

Projected Carbon Monoxide Concentrations at
Five Critical Intersections
With and Without the Proposed Project[a]
(parts per million)

Scenario	Peak One-Hour Concentration[b]	Eight-Hour Worst Case Concentration[c]
San Pablo/Ashby		
Without Project	11.9	7.1
With Project	12.0	7.2
Seventh/Ashby		
Without Project	11.2	6.6
With Project	11.4	6.7
Seventh/Anthony		
Without Project	8.3	4.6
With Project	9.3	5.3
Seventh/Heinz		
Without Project	8.6	4.8
With Project	9.0	5.1
Seventh/Dwight Way		
Without Project	10.5	6.1
With Project	11.0	6.5
Applicable Standard	20.0	9.0

[a] Based on methods developed by BAAQMD, 1985.
[b] Assumes one-hour background concentration of 5.9 ppm. Ambient one-hour standard (federal) is 9 ppm.
[c] Assumes eight-hour background concentration of 2.9 ppm. Ambient eight-hour standard (state) is 20 ppm.

Source: Baseline Environmental Consulting

The 1982 Bay Area Air Quality Plan (ABAG, et al., 1982) was developed to attain the federal ozone and carbon monoxide standards in the Bay Area by 1987. The plan focuses on strategies for reducing hydrocarbon emissions from mobile and stationary sources in order to reduce ozone levels. Strategies to reduce carbon monoxide emissions from mobile sources are also included.

In order to be consistent with regional air quality goals, the developer should be encouraged to promote transit use, carpools, flexible work schedules, and alternative means of commuting such as bicycling and pedestrian facilities (see Transportation Mitigation Measures, pp. 98 to 101).

NOISE

Setting

The noise environment at the project site and in the larger study area is generated primarily by vehicular traffic on the street network. Passenger trains on the Southern Pacific track also contribute to the noise environment at the western side of the site.

To quantify noise levels at the project site, noise levels were measured during the afternoon of March 24, 1986. The noise levels were measured at four locations shown on Figure 29. In addition, the figure shows the average sound levels recorded during each measurement. At location 1, distant traffic and a truck passing the site were the primary noise sources. In addition, a forklift and machine shop at the Bay Export Services building also contributed. At location 2, the major noise sources were cars on Heinz Street. Noise from a nearby loading dock also contributed to a lesser degree. At location 3, truck traffic on Seventh Street was the dominant noise source. Buses and automobiles contributed to a lesser degree. At location 4, automobile traffic on Anthony Street was the dominant noise source. A forklift in a nearby warehouse was also heard but was not a significant contributor. The data are summarized in Table 16.

It should be noted that no trains passed the site during the noise measurement survey. Based on recent train noise measurements conducted by the acoustical consultant in other communities, it can be estimated that the trains generate a maximum sound level of about 85 dBA, 100 feet from the tracks as they pass the site.

Table 16

Summary of 15-Minute Noise Measurements

Location	Time	L_{eq}[a]	L_1[b]	L_{10}	L_{50}	L_{90}	L_{99}
1) 5th Street at the site's south property line	3:20 pm	61	68	64	60	59	58
2) 5th Street at the site's north property line 25 feet from Heinz Street centerline	3:45 pm	59	67	61	57	55	54
3) 35 feet from 7th Street centerline near Heinz	4:30 pm	71	80	74	68	64	62
4) Anthony Street at 5th Street	5:00 pm	64	74	65	58	55	54

[a] L_{eq} - The average A-weighted sound levels.
[b] L_x - The A-weighted sound level exceeded x percent of the measurement period.

Source: Charles M. Salter Associates

FIGURE 29 LOCATIONS OF NOISE MEASUREMENTS



❷ NOISE MEASUREMENT LOCATION

59 MEASURED A-WEIGHTED AVERAGE SOUND LEVEL (dB)

AQUATIC PARK CENTER
(DURKEE SITE)

0 100 200 300 400 feet

Impacts

The potential noise impacts associated with the development fall into three categories:

- The compatibility of the proposed uses with the noise environment;
- Increases in environmental noise in the larger study area resulting from increased vehicular traffic; and
- Noise impacts on adjoining land uses during construction.

Noise and Land Use Compatibility. The compatibility of proposed developments is assessed by comparing onsite noise levels with the Noise and Land Use Compatibility Guidelines in the Noise Element of the City Master Plan. The Noise Element's Land Use Compatibility Guidelines are in terms of the 24-hour day/night average noise level (L_{dn}) or Community Noise Equivalent Level (CNEL). These are both 24-hour averages with the nighttime noise weighted to account for people's heightened sensitivity to noise at night. Office buildings, business, commercial and professional buildings are shown as normally acceptable in noise environments up to an L_{dn} or CNEL of 70 dB. A normally acceptable noise environment is defined as one in which the "specified land use is satisfactory based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements." Based on the noise measurements discussed in the Setting section and a review of the vehicular traffic and train traffic data, it is estimated that the L_{dn} onsite ranges from 60-65 dB. It therefore falls in the normally acceptable category of the City's Noise and Land Use Compatibility Guidelines.

The noise from the four passenger trains which pass the site daily does not generate a 24-hour average noise level of concern. The single event noise levels estimated for the individual train passbys would also be controlled by a typical office building construction. This kind of construction would be estimated to reduce noise levels about 30 dBA, resulting in interior maximum levels of 55-60 dBA as trains pass the site. A significant increase in train traffic and the addition of large freight trains, or any changes which require the trains to blow their horns as they pass the site, could change this analysis. The project architects for the new office building, proposed under both alternatives along the western boundary, should analyze their building construction to insure that train noise will be adequately controlled.

Traffic Noise Impacts. The changes in traffic noise levels in the study area were assessed based on projections of traffic growth developed for this project.[4] The traffic increases would be similar for both scenarios. With the exception of Anthony Street, traffic noise levels are calculated to increase by one decibel or less for projected traffic volumes including both the project-generated traffic and cumulative growth in the area. A one dB increase would not be noticeable and would have no impact on the noise environment.

[4]Kenneth M. Bankston Associates, written communication, April 15, 1986.

Along Anthony Street, traffic noise levels are calculated to increase about nine dB resulting from the combination of the project-generated traffic and cumulative development. A nine dB increase is nearly a doubling in loudness and would be a noticeable increase in noise levels along the street. Existing uses which would be affected by this increase are not considered noise sensitive. Therefore, while there would be a significant increase in noise, no adverse community response is anticipated from this increase. Furthermore, the resulting 24-hour average noise level along Anthony Street resulting from this traffic is calculated to be 60-65 dB. The noise environment would therefore continue to be normally acceptable for the surrounding land uses.

Construction Noise Impacts. During construction, noise levels onsite and at buildings directly across from the construction would increase temporarily. Construction noise in Berkeley is regulated by the City's Ordinance No. 5500. Construction noise levels in conformance with the ordinance are not envisioned as adversely affecting adjoining land uses.

Mitigation Measures

While standard office construction should adequately control train noise affecting the proposed office building on the western side of the site, it is recommended that the buildings' design be reviewed by a qualified acoustical engineer. Maximum noise levels generated by individual train passbys should not exceed 60 dBA in general offices and 55 dBA in private offices to minimize speech and activity interference.

Construction/demolition noise is regulated by the City of Berkeley's Noise Ordinance as follows:

- Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the weekday hours of 7:00 pm and 7:00 am, or 8:00 pm and 9:00 am on weekends or holidays such that the sound therefrom creates a noise disturbance across a residential or commercial real property line [is prohibited] except for emergency work of public service utilities or by variance issued by the noise control officer.

- Where technically and economically feasible, construction activity shall be conducted in such a manner that the maximum sound levels at affected properties will not exceed those listed in the following schedule:

  Mobile equipment--maximum sound levels for non-scheduled intermittent short-term operation (less than 10 days) of mobile equipment--commercial, industrial: 85 dBA daily, 7:00 am to 7:00 pm; 70 dBA weekends, 9:00 am to 8:00 pm and legal holidays; and

  Stationary equipment--maximum sound levels for repetitively scheduled and relatively long-term operation periods of 10 days or more, stationary equipment--commercial, industrial: 70 dBA daily, 7:00 am to 7:00 pm; 60 dBA weekends, 9:00 am to 8:00 pm and legal holidays.

SOILS AND GEOLOGY

Setting

The project site is underlain by relatively young sediments that have originated from the Berkeley Hills. Material from the hills have been carried down toward the San Francisco Bay by local streams. The sediments are part of the Temescal Formation. This formation typically consists of silt, clay, sand and gravel that are either mixed together or appear separate as interfingering lenses. The near-surface sediments at the southeastern corner of the project site may consist predominantly of coarser sediments, such as sands and gravels, since that part of the site once accommodated the old Potter Creek and a small tributary to Potter Creek.

Geologic exploratory work has been conducted on the project site for foundation design purposes (Peter Kaldveer and Associates, Inc., 1984 and 1985). In addition, subsurface work has been completed (Harding Lawson Associates, 1985, and Engineering-Science, 1985 and 1986) to investigate soil and groundwater contamination caused by previous and possibly current land uses.

In connection with the foundation studies, a total of ten soil borings were completed to depths up to 51.5 feet on the site (Peter Kaldveer and Associates, 1985). Most of these borings were completed on the southern half of the project site. The information obtained from the exploratory borings indicate that a major portion of the project site is underlain by 2.5 to 5 feet of fill material. The fill material consists of very loose to dense silty and clayey sand with various amounts of gravel and clay.

The subsurface work conducted by Engineering-Science (1986) also indicates that part of the site is underlain by artificial fill. It is not known either when the fill was placed on the project site, or the source and quality of the fill.

Underlying the fill, and in some places appearing at the ground surface, is hard silty clay. Clays are fine-grained sediments through which water permeates very slowly, if at all. As a result, where there is no fill on the site, ponding occur following rain storms. The fine-grained sediments extend down to 35 feet in some of the exploratory borings completed (Peter Kaldveer and Associates, 1985). Within the clay layer were found some isolated lenses of silty sand and sandy silt. Underlying the predominantly clayey material, alternating layers of sand and silty clay was identified.

The site is located in a seismically active region, where earthquakes are expected to occur along any of the region's active faults. The active faults near the project site include the San Andreas, the Hayward, and the Calaveras faults, located 15 miles to the west, three miles to the east, and 13 miles to the east, respectively. It is estimated that these faults are capable of producing earthquakes of Richter magnitude 8.3 (San Andreas) and 7.5 (Hayward and Calaveras) (Greensfelder, 1974).

There are no known active faults traversing the project site. The site is not located within any Alquist Priolo Special Study Zone -- zone defined by the legislature as a quarter-mile strip following the trace of any active fault. Construction within this zone is subject to special geotechnical study requirements and buildings destined for human occupancy are prohibited within 50 feet of the trace of the known active fault.

Impacts

Implementation of the proposed project would not in itself impact the geological environment on the site. However, the site conditions could impose constraints on the construction of the project.

The exploratory soils investigation (Peter Kaldveer and Associates, 1985) indicates that the fill on the site may not be of sufficient strength to support the proposed structures. In addition, the native soils underlying the fill are slightly compressible, and exhibit moderate to high expansion potential. Compressibility and expansion potential of soils underlying a project site could result in damage to foundations, underground utilities, and pavements.

In the event of an earthquake along any of the region's active faults, the site could be subject to groundshaking. Groundshaking could result in damage to structures and underground utilities.

An evaluation of the existing onsite structures to determine the extent to which they could be made sound for reuse and the costs of doing so was conducted by a structural engineer under contract to Wareham Development (Peter Culley & Associates, 1986). A second opinion was obtained by the authors of this report which essentially confirmed the findings of the first evaluation (GFDS Engineers, 1986).

Mitigation Measures

The foundation feasibility investigation (Peter Kaldveer and Associates, 1985) recommends that the existing fill on the site be removed and reworked prior to constructing buildings on the site. If the existing fill is to be reused on the site, soil samples should be collected from the fill and analyzed in the laboratory for contamination; recommended constituents to be analyzed for include total hydrocarbons, oil and grease, nickel, pH, and any constituents of the detergents used by the East Bay Wash Rack operation that may render the soils hazardous. If the soils exhibit constituents in concentrations that would render the soils hazardous, they should not be used for fill on the site, but should be disposed of properly.

All proposed structures and the existing structures proposed to be renovated for future use should be designed to accommodate groundshaking resulting from the maximum credible earthquake. The maximum credible earthquake is the maximum earthquake that is likely to occur during the life of a proposed project.

HYDROLOGY AND WATER QUALITY

Setting

Surface Drainage. During rainfall, part of the run-off from the site flows into city storm sewers and part ponds on the site.

It is the site's uneven surface and the impermeability of the soils on some parts of the site which cause ponding to occur; the ponds remain on the site until the ponded water evaporates.

The quality of the existing surface run-off is unknown. However, based on a reconnaissance of the project site, it is thought likely that the surface run-off from the site may contain various deleterious substances as a result of contact with materials left on the site from previous land uses.

At the southwestern corner of the site, where ponding occurs after rainstorms, liquid has been sampled to evaluate the potential hazardous nature of the material. The water ponding in this area is a black caustic liquid (as discussed in the Public Health Considerations Section of this report); the liquid has been determined to be hazardous due to an excessively high pH level. However, it is likely that the ponded liquid is not representative of the overall surface water quality at the site, since the source of the caustic liquid may be a combination of run-off and subsurface seepage.

Storm sewers are located along Heinz Avenue (a 10-inch line), and along Fifth Street (a 12-inch line). During past rainfalls the storm sewers have been capable of handling all run-off without causing overflow or flooding in the area (Nall, 1986).

Groundwater. Groundwater underlying the site has been identified through foundation investigations (Peter Kaldveer and Associates, 1985) and site characterization work (Engineering-Science, 1985 and 1986).

In soil borings and monitoring wells, groundwater was found at depths of about 10 feet, depending on the time of year that the investigations were conducted. It is expected that seasonal variation in groundwater elevations could amount to a couple of feet.

There are no data indicating the direction of groundwater flow. However, it would be expected that the groundwater flow direction would be toward San Francisco Bay to the west of the site.

The groundwater is contained within the clayey sediments found underlying the site. The clayey sediments (see section on Soils and Geology) contain lenses of silty sands and sandy silts, and the groundwater may be primarily contained within these lenses. During the foundation investigation, it was noted (Peter Kaldveer and Associates, 1985) that once groundwater had been encountered at a certain depth, it would rise a couple of feet. This indicates that groundwater under the site might be under confined or semi-confined conditions.

During the work performed on the site to identify the extent of soil contamination, trenches and test pits were dug, particularly in the area occupied by the East Bay Wash Rack. During that work, water was encountered at shallow depths in the soil column west of the wash rack facility. It is unlikely that the water found at shallow depths is the actual groundwater table; rather, it may be associated with subsurface seepage from the wash rack operation.

The wash water drains into an underground pipe toward a wastewater sump. The integrity of the pipe is unknown; if the pipe were of questionable integrity it may be the source of water found at shallow depths in the test pits and trenches dug west of the wash rack. In addition, seepage from leaking underground pipes may also contribute to the liquid ponding in the southwestern corner of the site.

Two groundwater monitoring wells were installed on the project site. The wells were installed to ascertain the groundwater quality (Engineering-Science, 1986). The groundwater was sampled from the wells and analyzed for diesel fuel and pH. No diesel was identified above the detection limit (0.05 mg/L), and the pH ranged from 6.95 to 6.80, which is close to the neutral pH level of seven. Other pollutants have not been tested.

Impacts

Surface Drainage. Implementation of the proposed project or any of its alternatives would involve the construction of buildings and paved areas, which would result in the creation of impermeable surfaces. Impermeable surfaces generally increase the amount of run-off from a particular site when compared with the undeveloped conditions at the site.

A major portion of the project site is currently paved, and on the unpaved portions, water frequently ponds during and immediately following rain storms. Thus, the increase in run-off from development of the site compared to existing conditions is expected to be minimal. The City of Berkeley (Nall, 1986) does not perceive the development of the project site to result in a strain on the capacity of the existing storm sewers carrying storm runoff from the site.

The quality of run-off from the project site could be improved over existing conditions, if the proposed project were implemented. Removal of various substances currently on the ground of the site, elimination of the wash rack facility, and removal of existing fill material could result in the generation of surface run-off qualities from the site similar to the quality of typical urban run-off.

Groundwater. The project site would not in itself impact the groundwater regime. No structures have been proposed that would extend to the depths of the groundwater.

Implementing the project would result in the removal of existing land uses and equipment used in previous land uses that may be the sources of groundwater contamination.

Mitigation Measures

It is recommended that additional samples be collected from the existing groundwater monitoring wells in order to fully characterize the quality of the groundwater underlying the project site. These samples should be analyzed for nickel and any constituents used in the East Bay Wash Rack operation that may be deleterious to the quality of the water (the constituents of the detergents used to wash the trucks are not known at this time). The analytical results of the groundwater sampling event should be submitted to the City of Berkeley Department of Environmental Health and to the Regional Water Quality Control Board, San Francisco Bay Region.

PUBLIC HEALTH CONSIDERATIONS

Setting

The site has been occupied in the past by industrial land uses (see pp. 11-12 for detailed description). At other locations, these land uses have resulted in contamination of soils and possibly surface water and groundwater.

Because of recent heightened awareness of toxic materials and their potential for affecting the public health, a number of laws and regulations have been enacted on the federal, state, and local levels which require evaluation of the possibility of past land uses to affect the current health and safety of citizens. These laws and regulations give authority to the regulators to require characterization of contaminant levels on a specific site, as well as clean-up of those contaminants such that a site does not pose a threat to the public health and the environment.

A significant amount of work was completed in 1985 and early 1986 to ascertain the types of materials/chemicals that were used in the past on the project site. On the basis of that information, clean-up activities of hazardous materials stored on the site have taken place. In order to assess the public health impacts associated with the project site it is necessary to identify the potential sources on the site of contaminants that may pose a threat to the public health, identify whether those sources have been eliminated and, if not, what the public health ramifications may be for the future use of the site.

Past Land Uses on the Project Site. Durkee Famous Foods manufactured household foods and vegetable oil on the site properties from about 1916 until about 1975. Production of vegetable oils continued under Agricom International and Agricom Oilseeds Inc. (Agricom), which owned the properties from October 1976 until January 1985. Both properties comprising the site were sold in January 1985 for potential future commercial development.

Since 1983, the 700 Heinz Avenue property has been leased by the East Bay Wash Rack, Inc. (EBWRI) for truck tank washing operations. The EBWRI lease is due to expire in June 1986, at which time they will leave the site.

Actions by Regulatory Agencies. In July 1985, the Environmental Health Division of the City of Berkeley, Department of Health and Human Services, identified a black-colored, caustic, oily liquid in the drainage area located on the SP right-of-way, near the southwestern corner of the site (see Figure 30). A laboratory analysis of the liquid indicated a pH value in excess of 12.5. Any material exhibiting a pH over 12.5 is classified as hazardous by Title 22, Division 4, Chapter 30, Article 11 of the California Administrative Code.

The identification of hazardous materials within the SP right-of-way initiated a complete inspection of the project site by the City of Berkeley. The city inspection found numerous waste products stored in various containers, spillage on the ground of unidentified liquids, and unsecured aboveground vaults.

The city subsequently contacted the California Department of Health Services (DOHS), as well as the City of Berkeley Fire Marshal and Chief of Codes and Inspection to assist in further investigation of the site. The State issued an Order to Post and Fence the area (July 29, 1985); and the City of Berkeley issued an Abatement Order (July 30, 1985), pursuant to the State's Post and Fence order (Berkeley file, 1986).

The abatement order required, among other items, that demolition of structures be delayed until the site could be characterized for contaminants and a remedial action plan developed; that the contents of any underground tanks be identified and evacuated; and that a 24-hour guard be maintained on the property.

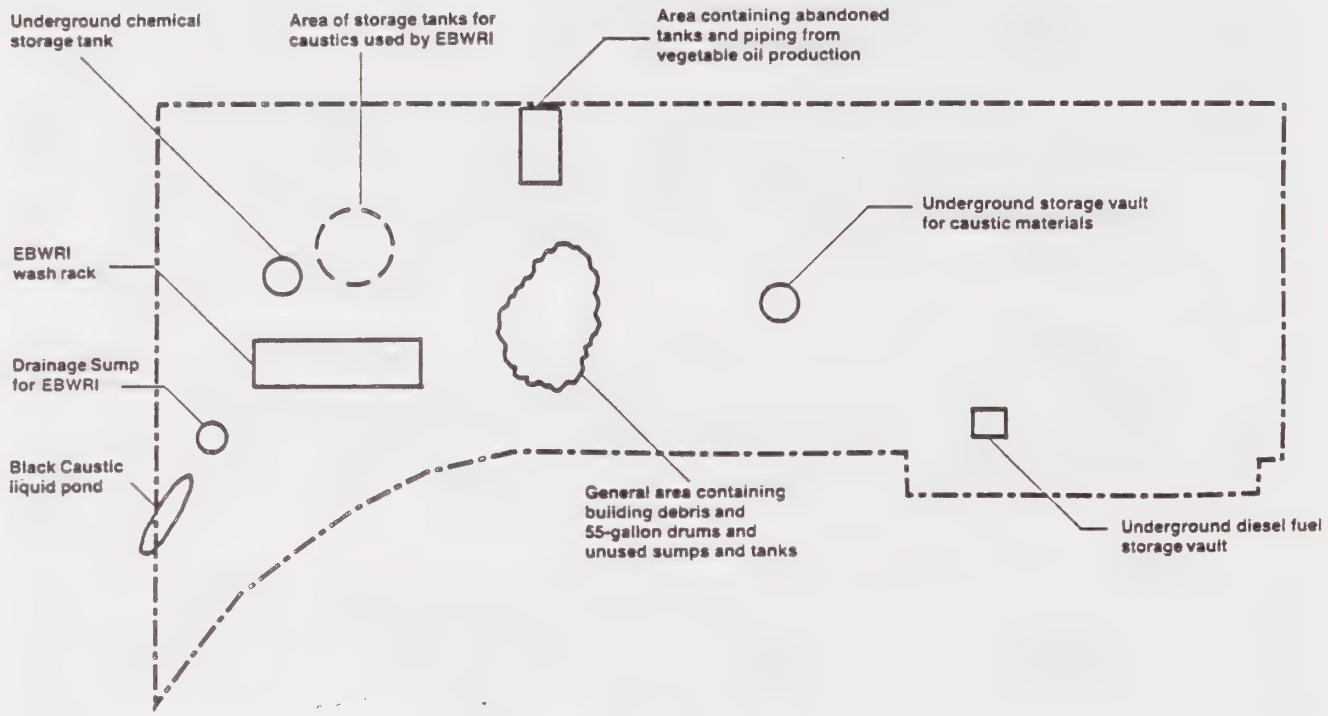
The DOHS developed a partial inventory of waste products of the 2900 Fifth Street property and sampled the black liquid. A Determination of Imminent or Substantial Endangerment and Remedial Action Order (August 1985) was then issued by DOHS. The order required remedial actions to remove the black liquid near the southwestern corner of the site; clean-up of identified waste products found on the 2900 Fifth Street property; a detailed site characterization of the 2900 Fifth Street property; and an investigation into the source of the black liquid seepage and ponding.

In response to the regulatory orders, the black liquid pond was removed from the SP drainage area in September 1985 and the area fenced (Dahldorff, 1986). However, two weeks after removal of the liquid, black liquid seepage reappeared in the same location. Consultants were retained by the property owner and by EBWRI to conduct site characterization studies, in compliance with the DOHS order; and clean-up of the 2900 Fifth Street property was initiated. Black liquid continues to pond in the SP right-of-way particularly following heavy rainfall.

Work Performed to Identify Site Contamination. In response to the order from the DOHS, extensive sampling of waste products remaining on the project site from past land use, surface and subsurface soils, surface water ponding areas, and groundwater has been conducted (Engineering-Science, 1985 and 1986).

FIGURE 30

POTENTIAL SOURCES OF CONTAMINATION ON PROJECT SITE



As a result of the sampling activities, waste products identified in the DOHS inventory were removed from the 2900 Fifth Street property. Soil samplings indicated that the soils were contaminated with oil and grease. The extent of this contamination has not been determined to date.

Groundwater samples were collected from two monitoring wells (for location, see Figure 30). The groundwater samples were analyzed for diesel and pH. The groundwater did not show evidence of contamination.

The remaining potential sources of contamination on the site from past activities include (see also Figure 30):

2900 Fifth Street Property (Eastern portion of site)

- Underground diesel fuel storage vault.
- Underground storage vault for caustic material.
- Underground piping systems that may contain residual oil.
- 55-gallon drums storing various waste products, including nickel catalysts.
- Building demolition debris containing friable asbestos.

700 Heinz Avenue Property (Western portion of site)

- Underground chemical storage tank containing liquids removed from tank trucks that are being washed at the EBWRI. The storage tank receives liquid mixtures of phenols, metals, ammonia sulfide, solvents, and caustics. The tank is evacuated every three months by a registered hazardous waste hauler.
- A drainage sump receiving liquids from the current wash rack operations.
- A pond containing black caustic liquid near the southwestern corner of the site.
- Underground piping systems conveying effluents from the wash rack operation to the drainage sump.
- Aboveground storage tanks for chemicals used in the wash rack operations. The chemicals used in the operation include caustics, methylene chloride, hydrofluoric and sulfuric acids, and aluminum brighteners.
- Abandoned sumps, aboveground storage tanks, underground piping, and possibly underground tanks at unknown locations from previous land uses.

Impacts

The public health impacts associated with the proposed project relate to the contaminants remaining on the project site from past land uses, including the EBWRI operations, and the potential impacts associated with future tenants that may occupy the site and either generate, handle or store hazardous materials.

Health Impacts from Past Land Uses. Prior to any construction activities on the project site, portions of the existing structures and debris left on the site would be removed as part of site preparation work. Major health impacts could be associated with site preparation, and thus the health and safety of construction workers.

Caustic Materials. Demolition and construction workers could be adversely impacted during site preparation by caustic materials remaining in underground sumps, tanks and piping; from soils contaminated by caustics as a result of past spills or leaks; and from any site preparation work in the area now occupied by EBWRI.

Caustic materials are corrosive and can cause burning of eyes and skin upon contact. Inhalation and swallowing of caustic materials can be harmful and should be avoided.

Asbestos. When demolition, building, or renovation activities disturb asbestos-contaminated material, asbestos fibers are released.

Asbestos fibers are carcinogenic, entering the body through inhalation or ingestion of asbestos-contaminated dusts. Exposure to asbestos fibers can lead to asbestosis, or cancers of the lung, abdominal lining (mesothelioma), or gastrointestinal tract.

Oil and Grease. There are fire hazards during demolition activities from storage tanks and piping which have not been adequately decontaminated and contain residual oil.

The specific constituents in the material classified as oil and grease are not known. Therefore the specific health hazards associated with the presence of oil and grease cannot be assessed. If the oil and grease identified in the soils on the 2900 Fifth Street property originate only from vegetable oil, they would pose no human hazard.

Unknown Chemicals. There may be contamination of the soil and groundwater from possible leakage of the underground chemical storage tank operated by EBWRI. No monitoring has been performed to ascertain whether any leakage has occurred. The composition of the chemicals contained in the tank is unknown at this time.

Health Impacts Associated with Future Land Uses. Any future land uses which involve the generation, use or storage of hazardous materials, such as semiconductor or biotechnology firms, may have public health impacts. These would relate to accidental releases of contaminants into the air or water, spillage, fire and explosion from flammable materials, and leakage from underground storage tanks.

However, firms engaged in R&D or manufacturing activities which use hazardous materials are subject to state and local regulations and oversight intended to minimize risks associated with the use of such substances. The industrial use of substances classified as hazardous material does not in and of itself constitute an adverse impact.

Mitigation Measures -- Past Land Uses and Hazardous Materials

Mitigation measures are recommended for the 2900 Fifth Street and the 700 Heinz Avenue properties as follows:

2900 Fifth Street Property (Eastern portion of site)

A health and safety plan shall be prepared prior to demolition activities to ensure that workers wear proper personal protective gear to prevent skin contact with caustic materials and to prevent inhalation of air-borne asbestos.

Removal of any asbestos-containing material shall be performed by qualified personnel specially trained in asbestos removal.

Underground piping, tanks and sumps which may contain residual oil shall be decontaminated prior to further demolition activities, to prevent fires.

A closure plan for addressing these abandoned facilities should be prepared providing a detailed description of the techniques to be used. The plan should be submitted to the City of Berkeley for approval prior to commencement of cleanup activities.

Any oil and grease discovered onsite shall be analyzed to verify that they are of vegetable oil origin.

700 Heinz Avenue Property (Western portion of site)

Soil sampling shall be performed to determine whether there has been any leakage from the chemical storage tank.

A site characterization study of the property shall be conducted, prior to demolition activities, to ascertain the following:

- Inventory all 55-gallon drums, aboveground tanks, underground tanks, and sumps and determine whether contents are hazardous;
- Identify proper disposal and decontamination methods for inventoried storage containers/tanks, associated piping, and drainage system, to minimize personnel exposure to hazardous materials and to reduce fire hazards;
- A closure plan should be prepared and approved for this cleanup work.
- Identify the existence, location and contents of underground storage tanks from previous land uses;
- Register the underground chemical storage tank with the City of Berkeley in accordance with Subchapter 16 of Title 23 of the California Administrative Code (a variety of requirements such as leak monitoring are included within Subchapter 16).
- Develop a worker health and safety plan for demolition activities, to minimize potential of exposure to hazardous materials.

Further site characterization of the 700 Heinz Avenue parcel should be performed after grading, to ascertain whether there has been contamination of the native soil underlying the fill material covering part of the site. The native soils may be contaminated with caustic chemicals, fuel hydrocarbons, oil and grease, or other toxic substances identified in the preliminary inventory of waste products.

If contamination of the native soil is identified in concentrations that would render the soils hazardous, remedial action plans should be prepared and submitted to the City of Berkeley, the Department of Health Services and the Regional Water Quality Control Board. Remedial efforts could involve the excavation of any soils found to be hazardous and the disposal of the excavated material in a Class I site. It should be noted that conditional project approval would be given at the Use Permit stage with final approval by these agencies required prior to issuance of building permit (except for demolition or excavation permits).

Mitigation Measures -- Future Land Uses and Hazardous Materials. Mitigation measures for proposed land uses that would involve the generation, use or storage of hazardous materials depend on whether the future occupant(s) of the developed site can be identified.

In the case where potential future tenants are known and hazardous materials may be an integral part of the tenant's operation, then:

An occupancy classification study should be performed prior to construction. The study should identify the chemicals, their toxicities, quantities, fire and explosion hazards, and special storage, handling, and transportation precautions. Identified special requirements for storage and building facilities should be established as preconditions for obtaining building and fire permits.

PUBLIC SERVICES AND FACILITIES

Fire Protection.

Existing Setting. The Berkeley Fire Department has seven stations including seven engine companies, two truck companies and two ambulances. The initial station responding to calls from the proposed project is Station 1 located at the corner of 8th Street and Dwight Way. This station is staffed by one engine company of three firefighters. The second station to respond would be Station 6 located at 9th Street and Cedar Street, which has the same staffing level and equipment as Station 1. Station 5 at Shattuck Avenue and Derby Street includes one engine company and an additional truck company and ambulance, with eight total personnel. This station would be the third engine company normally utilized in case of fires at the site.

Response time to the site would average three minutes for the first engine company and five minutes for subsequent companies.

Four fire hydrants are located near the project site: one is near the intersection of Anthony Street and 5th Street and the other three, along Heinz Avenue, generally west of where 5th Street would intersect Heinz Avenue if it were a through street. Water supply lines to these hydrants are all at least six-inches in diameter, with lines located along Anthony Street and the westerly end of Heinz Avenue being eight-inches in diameter.

Impacts. According to staff at the Fire Department, sufficient personnel, vehicles and other equipment are in place to handle the level of development proposed for the site, given implementation of the mitigation measures set forth below. Those mitigations stem from two general impacts which could otherwise be created: access difficulties for fire suppression vehicles and equipment, and availability of water supply. No extraordinary concerns would arise from construction of a low- to mid-rise office development of this type or renovation of an existing structure like the Durkee Building.

No additional costs are foreseen by the Department resulting from the proposed project.

Mitigation Measures. The Fire Department recommends several mitigation measures to reduce fire hazards and minimize demand for the Department's services. The primary source for the Department's recommended and required mitigation measures is the Unified Fire Code (1979 edition) used by the City of Berkeley on all new developments.

Access Mitigation Measures (Uniform Fire Code, Section 10.207). One of the most critical design features of a project is access for vehicles and equipment. The roadways providing access to the site must all be at least twenty feet wide, assuming no parking is allowed, and wider if parking is allowed on one side. In addition, several characteristics of these roadways are specified in the Code such as strength of paving materials. Secondly, the roadways must reach within 150 feet of all portions of the exterior walls of project buildings. Where this requirement cannot be met, other approved fire protection systems would have to be provided.

Water Supply (Uniform Fire Code, Section 10.301). Water supply of a determined fire flow volume must be available and put in place prior to construction of project buildings. Calculating the required fire flow volume for the site is to be done in accordance with a publication of the Insurance Services Office, the "Guide to Determination of Required Fire Flow" (1974 Edition).

Review of the site plan for the proposed project by the Department's Acting Fire Marshall allows several preliminary recommendations regarding water supply, though refinement of the project program, site plan and construction materials would be necessary before any final determinations could be made. In summary, capital improvements recommended to be constructed at the project sponsor's expense include the following:

1. The eight-inch water main which exists along Anthony Street and which extends part of the way north along 5th Street should be extended north to Heinz Avenue. This water main should be eight inches in diameter and should have a hydrant placed somewhere between its current termination on 5th Street and its new connection to the main at Heinz Avenue.

2. A portion of the Heinz Avenue main (just west of the point where the recommended extension of the 5th Avenue main would connect) is presently six inches in diameter. This section should be upgraded to eight inches.

3. In order to satisfy code requirements, the new west office building would require a lateral eight-inch line be brought south from the Heinz Avenue line and a hydrant located near the building.

Other Mitigation Measures. The City of Berkeley has an ongoing development review process which will involve representatives of the Fire Department in approval of various permits necessary for completion of the project and occupation of the buildings. At this time, their only other recommendation is that the applicant install fire alarm and sprinkler systems throughout project buildings.

Police Services

Existing Setting. The Berkeley Police Department provides police services to the site.

Impacts. Development of the site for more intensive uses is expected to have an incremental effect on the demand for police services in the area. Additionally, site specific concerns for surveillance and protection may arise during detailed review of the plans by the Police Department (Crime Prevention Unit). However, as of this writing, the Police Department has not completed its review, nor has it articulated any special concerns.

Mitigation Measures. The Police Department should complete its review of the project plans and recommended any modifications or additions to the project which would reduce demand for police services and serve to prevent crime at the site. At present, and until the Police Department completes its review, more specific mitigation measures cannot be recommended.

Sewage Collection and Treatment

Existing Setting. The City of Berkeley provides sanitary sewage collection services and conveys effluent for treatment to the East Bay Municipal Utility District (EBMUD) Interceptor Trunk Line which runs along Third Street. The treatment plant currently operates at over 70 million gallons daily with an estimated capacity of 120 million gallons daily.

Near the project site, there is a 10-inch sewer main along Heinz Avenue with some available capacity.

A study examining the extent of stormwater inflow/infiltration into wastewater lines throughout the East Bay has been under way for several years and is nearing completion. The results of this analysis indicate that infiltration of stormwater into sewer lines does occur in substantial volumes during wet weather. When this occurs, the treatment plant can become overloaded. Remedial measures focusing on repairing old or inadequate facilities have been specified and work will begin in the near future to implement these measures (Lotter, 1986).

Impacts. The proposed project could connect to the 10-inch sewer main along Heinz Avenue and then to a 27-inch interceptor line just to the west of the railroad right-of-way. Both of these lines have capacity available to collect wastewater from the development proposed at the site.

The small amount of additional wastewater flow generated by the proposed project would not cause any significant adverse impact on the EBMUD treatment plant, though it would contribute to the eventual need to add capacity if demand increases in this area.

Mitigation Measures. The City of Berkeley does not currently impose a connection fee for new developments, though the Department of Public Works is developing a method for charging new hookups to the city's system. If a connection fee is adopted by the City prior to the time of the project's hook-up, the applicant should be required to pay the adopted amount. The City does, however, require permit and inspection fees.

The East Bay Municipal Utility District (EBMUD) levies a one-time wastewater capacity fee based on the estimated wastewater flow of the individual site as well as an ongoing usage fee also based on the metered water supply.

If the wastewater generated by the proposed project were to exceed the capacity of the 10-inch sewer main located on Heinz Avenue, the applicant would be responsible for expanding capacity as determined by the City of Berkeley Department of Public Works.

Storm Drainage

Existing Setting. Stormwater runoff from the site is collected in catch basins and and carried through a 24-inch line which is located along Heinz Avenue. Staff report no known problems with drainage of the site.

Impacts. The existing 24-inch line should be adequate to handle the volume of runoff which would be expected with the proposed project. The fact that the site has for some time been overlaid almost completely with impermeable surface area suggests that the runoff which would result from the proposed site plan could be less than was the case in recent years (but prior to recent demolition). The open space and other landscaped areas would allow some precipitation to percolate back into the ground.

Mitigation Measures. As with connection for sewage collection and treatment, the city has no connection fee, but does impose permit and engineering inspection fees.

Water Supply

Existing Setting. The East Bay Municipal Utility District (EBMUD) supplies the site with water via transmission lines on Heinz Avenue and Fifth Street. On Heinz Avenue there is a six-inch line (installed in 1917) from Seventh Street to a point just west of where the extension Fifth Street would intersect Heinz Avenue; at that point an eight-inch line (1926) takes over, continues to the end of Heinz and turns north. Water supply from Fifth Street (north of Anthony Street) is provided in an eight-inch line (installed in 1959). The trunk line from which local lines stem is a 36-inch main located along Seventh Street.

The total fire flow water volume which could be provided in the vicinity of the site (corner of Fifth and Anthony Streets) is 5,200 gallons per minute (GPM). Existing hydrants in the area are capable of providing up to 1,750 GPM each.

In addition to requiring provision by the project sponsor of new lateral lines and hydrants, the District currently levies two charges against new development like the proposed project. A one-time System Capacity Charge has been implemented to defray the costs associated with large-scale facilities improvements (such as filter plant improvements, main transmission lines and reservoirs where necessary). This charge varies throughout the district based on the estimated costs of necessary facilities.[5] A monthly charge based on the meter size is also in effect.

Impacts. At this stage in the proposed development's review, detailed water consumption and required fire flow volumes have not yet been forecast by project engineers. However, review of the site plan and development program with EBMUD staff allows a preliminary finding that no significant impacts should be incurred by the District in supplying the project with water for either consumptive uses or fire flow. Once the project's design has progressed to more refined drawings and project engineers have forecast consumptive and fire flow needs, the applicant would apply to EBMUD for a Water Service Estimate. District staff would then determine the facilities improvements to be funded by the applicant, the System Capacity Charge and initial monthly charge with these requirements set such that no net cost impact would be experienced by the District.

[5] As an example, a 5/8-inch meter in the vicinity of the site would incur a System Capacity Charge of $200 (though it may increase) while the same meter for development in the San Ramon Valley would cost $3,500.

As a sidenote, District staff point out that the site is located in an area which is considered to have the lowest cost of providing service within EBMUD boundaries, both in terms of infrastructure provision and variable monthly demand for landscaping: the site would represent in-fill development in an area of moderate climatic conditions.

Mitigation Measures. The project sponsor would be required to submit to EBMUD an application for a Water Service Estimate and to provide local transmission lines as specified therein.

A Service Capacity Charge would be levied and monthly charge estimated as well. At the time of application, the project sponsor would be provided with information on methods of conserving water through building design and emphasis on water-saving appliances and landscaping.

Copies of correspondence regarding fire flow requirements should be sent to the City of Berkeley Fire Marshall to assure coordination and appropriate input by the Fire Department.

FISCAL IMPACTS: COST AND REVENUE EFFECTS

Introduction

This section analyzes the project's cost and revenue effects on the municipal budget of the City of Berkeley. It uses constant 1986 dollars and, in effect, is a forecast of fiscal impacts at one point in time; likely changes in these impacts over the lifetime of the project are described.

All quantified amounts are annualized in cases where the impacts would normally be measured on a longer (multi-year) or shorter (monthly) basis.

In the case of property tax revenues, the existing taxes are shown and compared with the project-generated property taxes. The existing condition of other municipal revenues is presented in qualitative terms only. Cost projections are presented in terms of the additional costs likely to be incurred by the city in serving the proposed development at the site. It is also noted that in-migrating employees and their households would require other community services which are ongoing and which could have marginal costs which would exceed the revenues they would generate.

Sources for estimates of revenue variables in the calculations include the 1985-86 municipal budget, tax rates, fees and other revenues in effect in early calendar year 1986. Cost estimates are derived from the most recent data sources available including the 1985-86 budget and discussions with staff at service provision agencies.

Cost estimates focus on those services and facilities which are funded out of the city's general fund. Other municipal service expenditures operate as enterprise funds which charge one-time connection and ongoing user fees in order to operate on a break-even basis and are therefore in large part unaffected by relatively small increases in demand.

Revenues include three one-time fees related to project review and approval as well as the ongoing taxes, fees and intergovernmental transfer payments

which the proposed project or persons employed there would generate.

This section concludes with a comparison of the forecast costs and revenues generated by the proposed project.

Impacts which vary between the two scenarios are shown where the difference is significant.

Costs of Public Services and Facilities

Two types of public services costs could result from the proposed project: direct costs associated with serving the project itself and indirect costs associated with providing services to new residents working at the project.

Public Safety. The fire department has responded that the project itself should not create any significant increased costs if the recommended mitigation measures are implemented. This finding is not unusual in an urban context where services are already in place.

The housing impacts analysis presented in this report suggests that a maximum net increase of 80-100 in-migrant households would result from both direct and secondary employment associated with the development. Based on the current total municipal budget expenditure for public safety, these new households would lead to an annual cost increase of several thousand dollars, however these expenditures would be nearly offset by the property taxes paid by the residential property owners.

Public Works. Direct project impacts on roads, sewers, storm drains, and water supply lines would be offset to a great extent by direct developer responsibility for their provision. The Transportation section (pp. 98 to 101) recommends several offsite roadway mitigations as well. Indirect costs of operating all public works for new residential users would be nearly, though not quite equally, balanced against the residential property taxes generated.

General Government. The direct general government costs of the project would be partially offset by the one-time revenues shown below. An office and industrial project would not be expected to increase demand for general government services (e.g. parks and recreation) to the extent that a residential project would.

Total Costs. Responses by city department staff indicate that the combination of implementing the recommended mitigation measures (such as water supply and vehicle access for the Fire Department) along with the city's established fee schedule, and developer responsibility for certain public improvements (such as those recommended in the Transportation section) would lessen public services costs to a minimal level.

Revenues Generated by the Proposed Project

One-time Revenues. Two one-time revenues would accrue to the City of Berkeley during processing of the project's applications. They include the building permit fee and plan check fee. However, these fees have been established to reimburse the city for costs incurred in reviewing the project and as such represent no net gain to the city. They are shown for

informational purposes only. Table 17 estimates these one-time fees for the proposed project.

On-going Revenues. The most important general fund revenues created by the development of the proposed project are property taxes, sales taxes, and business license fees. Additionally, benefit district assessments for streetlighting and parks/landscaping, and library tax generate significant amounts of revenue for specific purposes.

Property Taxes. The present rate of property taxation (1985/86) for property located in the tax code area in which the Durkee Site is located (#130-000) is $1.1403 per $100.00 in assessed valuation. This includes $1.00 per $100.00 in countywide property taxes and $0.1403 per $100.00 for repayment of bonded indebtedness incurred by special districts and authorities. Table 18 shows these sources and the amount of property tax generated by each along with ongoing special taxes to several other funds.

Table 17

One-time Revenues to City of Berkeley

Source	Amount
Building Permit Fee	
Scenario One	$38,715
Scenario Two	36,825
Plan Check Fee (65 percent of Building Permit Fee)	
Scenario One	$25,165
Scenario Two	23,936
Total One-time Revenues	
Scenario One	$63,880
Scenario Two	60,761

Source: Gil Kelley, written communication, April 11, 1986, with calculations by Mundie & Associates

As shown in Table 18, the present total property tax due and all special taxes based on the property's assessed valuation of $1.6 million in 1985/86 is $18,245. An additional $9,862 is due from special taxes and fees.

Based on estimates provided by the project sponsor and discussions with city staff, the proposed project's assessed valuation for the purposes of forecasting property taxes would be approximately $11.5 million. This amount is based on the total development costs of Aquatic Park Center (including all soft and hard construction costs, infrastructure, landscaping, A&E, etc.) rather than the more refined comparison of this development to other comparables in terms of rental income streams.

Table 18

Annual Property Taxes, Bond Repayments and Special Taxes:
Existing Setting and Impacts

Property Tax Recipient Agency	Rate of Tax[a]	Existing Amount	With Project	Net Increase Over Existing
Alameda Co. General Fund	0.2903	$4,645	$33,385	$28,740
Peralta Comm. College	0.0249	398	2,864	2,465
Berkeley Unified Schools	0.1815	2,904	20,873	17,969
County Supt. of Schools	0.0040	64	460	396
Alameda Co. Flood Control District	0.0017	27	196	168
Bay Area Air Quality Control District	0.0017	27	196	168
Mosquito Abatement	0.0012	19	138	119
AC Transit-Special District #1	0.0436	698	5,014	4,316
Bay Area Rapid Transit District (BART)	0.0051	82	587	505
East Bay Regional Parks District	0.0245	392	2,818	2,426
East Bay Municipal Utility District (EBMUD)	0.0136	218	1,564	1,346
EBMUD Special District #1	0.0049	78	564	485
City of Berkeley	0.4030	6,448	46,345	39,897
Total	1.0000	$16,000	$115,000	$99,000
Bond Repayments				
Berkeley Unified Schools	0.0474	758	5,451	4,693
Community College	0.0177	283	2,036	1,752
BART	0.0508	813	5,842	5,029
BART Special District #1	0.0244	390	2,806	2,416
Total	0.1403	$2,245	$16,135	$13,890
Special Taxes and Fees				
City Lights and Landscaping/Parks		$5,574	$13,350	$7,776
Library Fund		4,228	7,700	3,472
Other		60	125	65
Total		$9,862	$21,175	$11,313
Grand Total		$28,107	$152,310	$124,203

[a] Allocation ratios have been rounded to the fourth decimal point.

Sources: Ben Morita, Deputy Auditor, County of Alameda; Rich Robbins, Wareham Development; with calculations by Mundie & Associates.

Using the 1985/86 tax rate and level of special assessments, the total annual property tax and special assessments revenue generated by the proposed project would reach $152,310. Table 18 illustrates how the 1.0 percent countywide property tax revenue would be distributed among recipient agencies and funds (including the City of Berkeley which would receive 40 percent of the 1.0 percent).

Sales Taxes. Taxable retail sales would be generated by consumer expenditures of persons employed at the proposed project as well as by purchases of materials and supplies by office and other commercial businesses located there. A recent analysis prepared for the City of Berkeley (Courtney Building FEIR, 1986) estimated that purchases by project employees would result in taxable retail sales tax in the City of Berkeley of approximately $2.79 per gross square foot of development. The City of Berkeley obtains 1.0 percent of the 6.5 percent sales tax levied on taxable retail sales within the city limits and would therefore collect $4,600 annually as a result of the proposed project (both scenarios).

Business License Fees. Fees from businesses related to the project would be generated from both the tenant offices or other commercial uses as well as the rental business of the project sponsor or other landlord.

The current rate of this fee for office businesses in Berkeley is $3.10 per $1,000 of gross business income. A reasonable estimate of gross business income is $50,000 per (year-round) employee annually. Therefore Scenario One would generate approximately $17.5 million in gross business income and $54,250 in fees. Scenario Two would generate $20 million in gross business income and $61,690 in fees.

Income from the rental of property pays a fee of $9.32 per $1,000 of gross business income annually. The leasing of space at the project would therefore generate $163,100 or $185,468 for Scenarios One and Two respectively.

Utility Users Fee. This fee is collected by the city for its administration and oversight of the various utility companies that operate under city franchise. It currently stands at 5.5 percent of the total natural gas, electricity and telephone costs incurred by each user. Existing fees paid by onsite businesses are minimal. A rough estimate of the total revenue would be on the order of $45/1,000 square feet leading to an annual Utility Users Fee benefit to the city of $7,500.

Fines and Penalties. Over the past two years the City of Berkeley has received approximately $3.0 million annually from various fines and penalties. If the businesses locating at the project and new employees working there were to generate fines and penalties at the same average rate which currently occurs, additional annual revenue of several hundred or even one thousand dollars could be expected, however, available methods do not allow an exact projection of this relatively small total revenue.

State Subventions. The City of Berkeley receives subventions and grants from the state and federal government for over twenty different budgetary categories and programs. The largest source of these funds which would be affected by the proposed project is the Cigarette Tax, which is based on a per-capita method of fund distribution. As with revenue from fines and penalties, the impact of the project on this revenue could be

several hundred dollars annually, but this amount is relatively low and cannot be projected with any certainty.

Other intergovernmental sources of funding are also partly based on population levels, but are the subject of proposals for elimination by the U.S. Congress. These sources of funding are not considered stable enough to project for the coming years.

Still other subventions are allocated among local governments for spending on specific projects. Gas tax monies are one example, and are not considered as directly generated by the proposed project.

Benefit Assessment District Revenues. Two citywide benefit assessment districts have been established for the purposes of providing street lighting and maintenance of open space and landscaping. Commercial uses pay $0.0805 per gross square foot into these districts.

The proposed project would therefore add roughly $11,300 annually to the revenues of these districts.

Library Relief Funds. The city's library tax of $0.0465 per gross square foot of development (including any enclosed parking) would result in increased revenue of approximately $3,472 under either scenario.

Total Revenues. Table 19 shows the forecast net increase in revenues which would be generated by the proposed project as it fits into the categories noted in the introduction to this section, General Fund revenues and restricted or "earmarked" revenues. The subtotal for General Fund revenues is approximately $99,000 annually with an additional $25,203 to accrue to the specific funds. The annual grand total net increase would be approximately $124,203.

Comparison of Costs and Revenues

The forecast revenues associated with the proposed development would exceed the costs of providing services to the project. Annual General Fund net revenues of roughly $99,000 would exceed expenditures by departments with general fund allocations (if general government costs were added in) by more than $90,000 annually. Additionally, some $25,000 in revenue to specific facilities and programs would result from the proposed project.

This finding that the proposed mixed-use development (comprised mostly of office and light industrial uses) would be a net fiscal benefit to the City of Berkeley is consistent with the findings of most similar analyses prepared in the years since the passage of Proposition 13 (1978). The largest portion of this result would derive from the level of business license fees paid by the development; property taxes would generate the second largest share of revenue.

Under current state law, a property's assessed value can only be increased by 2.0 percent annually until such time as the property is sold. This potential for properties to retain an assessed value which rises only slightly, regardless of the underlying value of the property or the costs

Table 19

Net Revenue Impact on the City of Berkeley
(1986 dollars)

Source of Revenue	Projected First Year Net Revenues
General Fund Sources	
Taxes	
Property Tax	$39,897
Retail Sales Tax	4,600
Utility Users Fee	7,500
Business License Fees[a]	54,000-62,000
Fines and Penalties[b]	-
State Subventions[b]	-
Subtotal, General Fund Sources	$105,997-113,997
Nondiscretionary Sources	
Benefit Assessment Districts	$7,776
Library Relief Tax	3,472
Subtotal, Nondiscretionary Sources	$11,248
Total, All Sources	$117,245-125,245

[a] The range results from the difference between Scenario One and Two.
[b] Estimate for these two revenues cannot be prepared at this time.

Source: Mundie & Associates

of providing public services, can lead to a gradual decline in the finding of a positive fiscal impact over time.

If one were to assume that the average commercial property turns over (is sold to new owners and thus subject to reassessment) every 10-20 years and this assumption were applied to the property tax revenue calculations, the chance that the fiscal result would change from positive to negative, would be very slim. This kind of forecasting several years and decades beyond the present is subject to a multitude of other variables including changes in the costs of service provision and other tax and fee schedules, most of which are adjusted periodically.

Mitigation Measures

Mitigation measures recommended throughout this report would have the effect of eliminating some fiscal impacts and reducing others to levels of insignificance. For this reason, no separate mitigation measures are recommended in this section.

CHAPTER V

CUMULATIVE AND GROWTH INDUCING IMPACTS OF THE PROJECT

INTRODUCTION

The California Environmental Quality Act (CEQA) requires cumulative impacts to be discussed in an environmental impact report (EIR). Cumulative impacts are two or more individual effects which, when considered together, are considerable or which compound or increase environmental effects. Projects to be included in the analysis of cumulative impacts include similar past, present and reasonably foreseeable future projects both within and outside the control of the lead agency.

Growth inducing effects of the project must also be considered under CEQA. Analysis of growth inducing effects focuses on those ways in which the proposed project could foster economic or population growth, or remove existing obstacles to such growth.

Cumulative impacts which would be experienced in the future have been analyzed at two different levels. One level of analysis considers impacts deriving from the list of cumulative projects (Table 2) expected to develop within the next five years; a second, more general, analysis considers the impacts which would result from the build-out of both the Emeryville Bayfront Specific Plan and the Berkeley Waterfront Plan.

SETTING

The land use planning discussion presented above in Chapter IV provides much evidence of approved, planned or proposed development in the vicinity of the project site. It also outlines the planned economic development that both Berkeley and Emeryville envision for their waterfront areas.

In summary, both the immediate neighborhood of the site and the larger regional setting hold the potential for a great deal of cumulative development. Over 485,000 square feet of new or renovated space in the study area is approved, planned or proposed. The ultimate buildout of the Berkeley Waterfront and Emeryville Bayfront could be as high as 3 to 4 million square feet of office, retail, hotel and residential development.

The critical environmental impacts of cumulative development of this scale would be traffic, air quality and housing.

IMPACTS

The environmental analysis and mitigation measures presented in this report take into account the projects listed on page 48 in a direct and site-specific manner: forecast impacts from these developments have been added to the existing conditions in the quantitative analysis of traffic, air

quality and noise impacts, and the recommended mitigations are based on the total effect.[6]

Discussed below at a more general level are those impacts likely to be experienced in the study area resulting from the second level of large-scale cumulative development and growth-inducement. These impacts, however, are very difficult to forecast both because of the geographic separation of the site from the two waterfront areas and the uncertainty regarding implementation of those plans.

Cumulative Impacts

The cumulative traffic impacts of the Berkeley Waterfront and Emeryville Bayfront Plans can be compared to the proposed Aquatic Park Center and Cumulative Projects C-1 through C-5 by projecting the comparative number of PM Peak Hour vehicles each project or group of projects would impose on each of the five critical intersections analyzed in the Transportation section of this report. Table 20 summarizes these data.

As can be seen in Table 20, the Berkeley Waterfront Plan would have only a modest impact on intersections 1 and 2 along the Ashby Avenue corridor and an even more modest impact on intersections 3, 4 and 5 in the Seventh Street Corridor.

The Emeryville Bayfront Plan, however, would have a greater impact (1,040 PM Peak Hour vehicles) on intersection 2, Ashby Avenue/Seventh Street, than the Aquatic Park Center and all of the cumulative projects combined. In fact, it is unlikely that intersection 2 could accommodate this additional level of traffic without substantial improvements (i.e. added lanes at the intersection). Adding lanes at that intersection would require right-of-way acquisition and possibly elimination of some of the existing businesses at that intersection. A more likely effect of the Emeryville Bayfront Plan implementation would be considerable added north/south traffic in the San Pablo Avenue and Seventh Street corridors through Berkeley.

These cumulative traffic impacts, which result mainly from other planned or approved projects, and from large-scale planning efforts in Berkeley and Emeryville, represent perhaps the most serious finding of this report.

It is not within the scope of this EIR to forecast quantitatively the regional air quality impacts of these large-scale planning efforts. EIRs have been or are being prepared for each which will provide this information.

The cumulative noise impacts experienced by persons at the site should not be significantly worse than those forecast to exist after completion of the listed cumulative projects. The site is set back from Seventh Street and shielded from traffic somewhat by the office buildings to the east fronting Seventh Street.

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[6] Responsibility for funding recommended mitigation measures is generally allocated on a pro rata basis.

Table 20

PM Peak Hour Vehicles Entering Critical Intersections,
(and Percentage of Intersection Total):
Aquatic Park Center, Cumulative Projects C-1 through C-5 and Waterfront Plans

Project	#1	#2	#3	#4	#5
Aquatic Park Center	91 (9.9%)	157 (7.9%)	362 (30.4%)	187 (21.9%)	187 (21.2%)
Cumulative Projects[a]	424 (46.4%)	700 (35.1%)	577 (48.5%)	416 (48.8%)	445 (50.5%)
Berkeley Waterfront[b]	100 (10.9%)	100 (5.0%)	50 (4.3%)	50 (5.9%)	50 (5.6%)
Emeryville Bayfront[c]	300 (32.8%)	1,040 (52.0%)	200 (16.8%)	200 (23.4%)	200 (22.7%)
TOTALS	915 (100.0%)	1,997 (100.0%)	1,189 (100.0%)	853 (100.0%)	882 (100.0%)

[a]Table 9 provides detailed trip generation estimates for five projects.
[b]Based on buildout of proposed plan under analysis in Berkeley Waterfront EIR (in process) and telephone conversation with Jerry Walters, Traffic Engineer, April 24, 1986.
[c]Emeryville Waterfront Plan EIR, November 1985.

Source: Kenneth M. Bankston and Associates

The proposed project would represent the continuation of a trend of land use changes in the larger study area. However, this trend is not in and of itself an adverse impact, nor can its effects be quantified like those of other environmental factors. The city's Master Plan and Economic Development Plan policies and objectives offer discretion to elected and appointed decisionmakers to conclude that the upgrading of commercial and industrial properties is consistent with the city's intentions for this portion of west Berkeley, and to make findings in support of that conclusion.

The preparation and implementation of the nascent West Berkeley Plan should both clarify the extent to which gradual changes are taking place and provide for a more comprehensive approach to guiding and regulating such growth.

Growth Inducing Impacts

The Land Use Trends subsection (pp. 46 to 49) observes that a noticeable amount of small-scale renovation of offices, shops and industrial space has occurred in west Berkeley over the past several years. Furthermore, the largest single renovation project, the Carleton Street Business Center (the old Colgate Plant) which was granted a Use Permit in December 1984 is only 50 percent reflected in the list of cumulative projects expected to be occupied over the next five years. Presumably, the other half of that development (an additional 290,000+ square feet) could find tenants during the following five years.

What this large amount of permitted space suggests is that the induction of significant quantities of yet more commercial growth in the larger study is unlikely to be caused by the Aquatic Park Center project. There is already a great deal approved. The proposed project includes retail and restaurant uses which may limit the additional demand for these types of outlets in the nearby neighborhood.

The implementation of the two large-scale plans in Berkeley and Emeryville could lead to growth induction throughout west Berkeley. Even the hypothetical use of Berkeley's Waterfront as open space, without any commercial uses, could greatly increase the desirability of west Berkeley as a place to live, resulting in growth pressures. However, these potential impacts are most appropriately analyzed in EIRs on those projects.

CHAPTER VI

OTHER ENVIRONMENTAL ISSUES ASSOCIATED WITH THE PROPOSED PROJECT

POTENTIAL ENVIRONMENTAL EFFECTS NOT DISCUSSED

The Environmental Initial Study for this proposed project was prepared by City staff in December 1985 and it determined that no significant impact could result to plant or animal communities from the project. Neither the range of diversity nor the number of individual species would be affected. No unique, rare or endangered species exist onsite.

The Initial Study determined that a potentially significant impact on the combined archeological and historical resources onsite could result. Structural historical resources are analyzed in detail in Chapter IV (pp. 31-35). Contacts with the Northwest Information Center[7] (housed in the Department of Anthropology, Sonoma State University) indicate that no archeological sites listed with any of the three major registries exist onsite, though the project's location near other listed sites leaves open the possibility of unrecorded prehistoric resources.[8] For this reason, an archival and field study is recommended by the staff at the Inventory.

Pending a decision by the City of Berkeley in regard to such analysis, staff at the Inventory suggested that they be sent copies of soils boring logs from foundation feasibility investigation (Kaldveer, 1985) in an effort to determine more precisely the potential for onsite resources. These logs have been transmitted and the results are pending.

However, their initial conclusion is that "there is no indication of historic cultural resources which might be adversely affected by this project." Their findings are shown in Appendix B.

The CEQA Guidelines and recent revisions clearly distinguish between unique and non-unique archeological resources. Because any subsurface prehistoric resources possibly remaining onsite would likely be an extension of nearby sites, unique resources are unlikely to be found. However, onsite demolition, grading or excavation should be bound by a permit condition that work cease should any cultural resources be unearthed and that City staff be notified. A qualified archeologist should then review the situation prior to resumption of work.

UNAVOIDABLE AND IRREVERSIBLE ADVERSE IMPACTS

Implementation of the mitigation measures recommended in this report would not completely eliminate impacts of the proposed project. Listed below are

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[7]The Northwest Information Center is the recognized authority on such archival investigations for sites located in the San Francisco Bay Area.

[8]These include the National Register of Historic Places; the California Inventory of Historic Resources; and the California Archaeological Inventory.

those impacts which are unavoidable and in some cases irreversible. Unless otherwise noted, these impacts would result from implementation of either Scenario One or Scenario Two.

The basic changes in land use and in the architectural/urban design characteristics of the Durkee site are unavoidable. Whether these effects represent a beneficial or an adverse impact is a judgment for local officials to make based on a variety of criteria including adopted planning documents, goals and objectives.

Implementation of housing mitigation payments would generally offset potential displacement effects of the increase in demand for housing, particularly those impacts felt by low and moderate income households. However, it is not possible to forecast (or measure) which specific households may face displacement or other pressures, and an impact on individual households is thus unavoidable; precise linkage of the impact, mitigation measure and affected parties is unattainable given the complexity of the housing market.

In addition, unless the housing mitigation funds actually increase the supply of housing in Berkeley (as opposed to subsidizing existing occupants' housing costs), another unavoidable phenomenon may result from the mitigation measure itself: an increase in the aggregate spending on housing in Berkeley and consequent further upward pressure on values.

Traffic generated by the project would be accommodated by the local roadway network, however the additional vehicles per se may be seen as an impact by some and would in such a case represent an unavoidable result of this development. The associated increase in vehicular emissions into the air, and traffic noise, though not significant, would occur as well.

All construction period traffic, dust and noise would be greatly mitigated by the steps recommended, but would exist at some residual level.

The risks of structural damage and injury due to seismic events are unavoidable for new projects (and existing development) throughout the Bay Area. Structural upgrading of existing buildings and compliance with U.B.C. standards for new buildings would lessen the danger posed by moderate earthquakes. Major earthquakes pose unavoidable risks.

Demolition and site preparation could expose construction workers to health impacts. Most foreseeable impacts could be mitigated; however, some residual risk of public health impacts would remain.

CHAPTER VII

ALTERNATIVES TO THE PROPOSED PROJECT

INTRODUCTION

The California Environmental Quality Act (CEQA) requires that reasonable alternatives to the project capable of attaining project objectives be described. Alternatives capable of minimizing forecast adverse effects upon the environment are to be considered.

This environmental impact report addresses two alternative projects throughout the document: the applicant's Scenarios One and Two which are described in detail in Chapter III. In this chapter, two additional alternatives are considered, one of which presents a different physical scheme for the site (in which 810 Heinz and the Experimental Kitchen would be retained and the eastern mixed use building deleted or modified in size), and the other of which addresses some of the tenancy issues which arise in connection with the proposed demolition or rehabilitation of older buildings. Finally, the no project condition is also reviewed, serving not only as an alternative in its own right, but also as a baseline condition from which the impacts of the other choices can be more clearly evaluated.

Defining Alternatives A and B has been an evolutionary process throughout the EIR analysis. The period of analysis for Scenarios One and Two extended longer than is usual for a project of this scope for several reasons, the most critical of which is that the proposed project has undergone several revisions. Both the formal CEQA process (the distribution of the Notice of Preparation and two scoping meetings) and city sponsored public input via the Durkee Site Task Force have resulted in an unusually high level of community response to the project sponsor's initial - and subsequent - concepts for the site.

Alternatives A and B attempt to articulate some remaining issues. They reflect a mix of site uses not dramatically different from the project sponsor's proposal, but with greater emphasis on some of the goals and policies found in Berkeley planning documents (see Master Plan Designations and Policies, p. 49 and Berkeley Economic Policies, p. 62).

DESCRIPTION OF ALTERNATIVES

Consideration of both the applicant's scenarios and project alternatives is complex because of the number and variety of structures on the site both at the present time and under the various projected future conditions. Table 21 (p. 140) summarizes the characteristics of the applicant's scenarios in comparison with the specific alternatives addressed in this chapter.

The discussion presented here is briefer than that presented in Chapters IV and V on the impacts of the applicant's two scenarios because the technical background materials, definitions and impact criteria set forth earlier have not been repeated.

Table 21

Alternative Development Programs:
Project Scenarios and EIR Alternatives

	Project Scenarios		EIR Alternatives		No
	One	Two	A	B	Project
Retention of Existing Structures					
Durkee Building	yes	yes	yes	yes	yes
Spice Building	no	yes	yes	yes	yes
Utility Buildings[a]	no	no	yes	uncertain	yes
Leaseable Space in Existing Buildings (sq.ft.)					
Durkee Building	24,000	24,000	24,000	24,000	24,000
Spice Building	0	13,500[b]	13,500[b]	13,500[b]	9,000
Utility Buildings[a]	0	0	7,500	uncertain	7,500
Leaseable Space in New Buildings (sq.ft.)					
East Office Building [ETS]	50,000	0	0	[c]	0
West Office Building	53,600	53,600	53,600	[c]	0
East Mixed Use Building[d]	0	18,624	0	[c]	0
South Mixed Use Building	0	18,432	18,432	[c]	0
Total Leaseable Space (sq.ft.)	127,600	128,156	117,032	[c]	40,500
Parking Stalls					
In Garage	90	90	uncertain	[c]	0
In Lots	165	182	165	[c]	<50
Other Features					
Pedestrian Bridge	yes	yes	yes	[c]	no
Atrium or Courtyard	new	new	existing	[c]	existing

[a]Utility buildings are 810 Heinz and the Experimental Kitchen.
[b]Includes 4,500 sq. ft. in mezzanine addition.
[c]The physical development program for Alternative B could echo any of the other configurations, or represent some other combination of options; the main feature of this alternative is policy with regard to occupancy and tenancy. Examples include policies aimed at insuring compatibility in terms of noise and use mix, as well as protection of existing tenants from displacement.
[d]The East Mixed Use Building (proposed for the site along Seventh Street replacing the Utility Buildings) could be built in modules; this project component is more flexible in size (and potentially in shape) than the specifics present in the table indicate.

Of the two alternatives analyzed in this chapter, the first represents one approach to preserving structural elements found on the site. The second represents one way of encouraging the retention of the types of land uses which have most recently occupied the site.

Setting and Description of Alternative A: Maximum Structural Preservation

Both Scenario One and Scenario Two would remove the Utility Buildings (810 Heinz Avenue and the Experimental Kitchen) presently located in the northeast corner of the site. A portion of the new east office building would be located in that area (see Figures 5 and 6).

In order to maximize the preservation of the existing buildings at the site, the site plan could be reconfigured to permit the retention of the utility buildings as well as the Spice Building and the Durkee Building. This could be done under Scenario Two by reducing the size of the East Mixed Use Building and eliminating some surface parking (substituting an additional level of garage parking).

This alternative, by accommodating both the renovation of the Durkee and Spice Buildings and retention of the Utility Buildings, would allow site land- and hardscaping to address the issue raised by the Landmarks Preservation Commission of the historic nature of the courtyard between these buildings and the Winterizing Building (demolished in 1985).

Setting and Description of Alternative B:
Maintaining or Expanding Live/Work Space and
Retention of Other Existing Land Uses in Renovated Structures

A concern often expressed when existing structures are renovated is that the newly upgraded buildings would experience rent increases and a change in tenants as well as changes in use type. Such "gentrification" of neighborhoods, both residential and commercial, can be seen throughout the Bay Area.

Several sections of this report describe the existing and recent past character of the neighborhood near the site. There are live/work tenants presently occupying space in the Durkee Building and there are a variety of low-intensity office uses, arts studios and crafts shops, and light industrial uses located within a block or two of the site. There are also standard office buildings of the type proposed in this project and a large retail outlet nearby.

An alternative which has been urged by neighborhood residents and current tenants of the Durkee Building is that some form of very specific use restrictions be placed on the renovated buildings which would insure that uses moving into the completed project would be compatible with the retained uses on the site and other uses nearby. Examples of new use's characteristics which should be considered include the amount of truck traffic, loading times and the noise which would be generated.

There is also concern by existing tenants that actions may be taken by the property owners which could cause their displacement, voluntary or involuntary.

Another factor which could help encourage continued use of the Durkee Building by compatible uses could involve the relocation of the Jewish Community Theatre from the Durkee Building to the Spice Building (based on the site plan of Scenario Two or Alternative A).

Setting and Description of Alternative C: No Project

The no project alternative in the case of this analysis is somewhat different from that alternative in many other CEQA analyses. The site is not in any way in an environmentally undisturbed condition but has been in industrial uses for over 75 years. A great deal of aggregate and other leftover structural materials as well as soils contaminants remain producing conditions which could yield potential health hazards. Liquid storage tanks both above and below ground remain. A visual bleakness exists over much of the site. Today, the structures which housed these past land uses are partially demolished and the setting (as described in the Land Use section) has undergone change even prior to official project approval.

The positive characteristics of a no project alternative would retain the intact onsite structures (Durkee, Spice and Utility Buildings) and allow the uses therein to continue, while at the same time removing from the site to the extent required by law any contaminated soils or other hazardous materials left over from past land uses.

ENVIRONMENTAL CONSEQUENCES OF ALTERNATIVES

Alternative A

Site-Related Environmental Factors. Three environmental concerns analyzed in this report exist onsite by definition and in certain areas of the site; they are highly geographically concentrated. As such, they would not vary among the proposed project and the alternatives; the impacts set forth for both scenarios would exist for the alternatives as well. These topics include soils and geology, hydrology and water quality, and public health considerations.

One additional issue raised by the retention of the Utility Buildings is that of the maintenance or replacement of structural transite (a material which has asbestos as one of its components) in the buildings. Further study would be required to define what remedial actions should be taken to reduce health hazards from the transite to acceptable levels.

Scale-Related Environmental Factors. Other environmental impacts stem directly from the size of a proposed development (in structural or employment terms) and could be estimated using a factoring technique to illustrate the modified impacts of an alternative. These topics include traffic, air quality, noise, fiscal impacts and to a lesser degree provision of public facilities and services. Growth inducement can also be affected by the scale of the project.

Traffic. Traffic generation varies with land use; however, the extent to which Alternative A includes a greater proportion of office space than industrial/R&D/retail would not significantly alter the rate (trips/1,000 square feet) at which traffic would be generated by the development.[9] The total traffic impact of Alternative A would be approximately 8.5 percent less than the proposed project (either scenario), or a total ADT of 2,987.

Air Quality and Noise Impacts. Neither air quality nor noise impacts represent a significant impact in the case of the proposed project. Critical intersections at which project traffic would be less under Alternative A than under the project would experience lower emissions levels to the same degree, but the difference would not be perceptible. The absence of the long mixed-use building on the site's eastern edge could allow a slightly higher volume of off-site noise from Seventh Street to penetrate the eastern third of the site, but this change would not be noticeable due to the distance from Seventh Street to the site and the presence of the initial Aquatic Park Center buildings to the east of the site.

Fiscal Impacts and Public Facilities. If lower costs result from providing public services to the smaller project, they would be outweighed by the loss in property and sales tax revenue resulting from down-sizing the project. This is especially true in the case of a site located in an already urbanized area in which the marginal costs of providing services (beyond those funded by the developer) are relatively low. The devaluation of the property (resulting in lower property taxes) and the lesser number of employees or retail outlets (resulting in lower sales taxes through purchases by employees or onsite sales) would result in a direct decrease in revenues while the lessened density would not necessarily reduce public costs at an equal rate. The lower valuation of the project which would result in lower property taxes would also most likely represent a lower return on investment for the project sponsor.

Growth Inducement. In addition to scattered neighborhood-wide development inducing growth, it is possible for individual projects to have the same effect. The conclusion reached in regard to the proposed project is that several characteristics of southwest Berkeley will induce growth, but that the proposed project would not be a major factor. Its potentially positive effect would be indistinguishable in the context of broader regional trends and the large-scale planning efforts under way in the waterfronts of both Berkeley and Emeryville. For this reason, a reduced density alternative would not be an effective mitigation from the perspective of growth inducement.

[9] First, the difference between office use of the type proposed and the mixed use buildings is small to begin with, and second, the proportion of the total development comprised by the eastern mixed use building (18,624 square feet out of 128,156) is less than 15 percent. Therefore the change in composition would allow for a ratio method of estimating ADT for the alternative.

Planning and Community Objectives. A final set of factors relate to the mix of land uses and buildings a community determines is appropriate for a given area. These big picture urban design considerations also affect the employment provided at the project, and indirectly, the housing impacts stemming from those employees. At the Durkee site, land use and urban design also involve concerns over the preservation of historic qualities of the site.

The major difference between Alternative A and the proposed project (either scenario, though more so in the case of Scenario One than Two) is that Alternative A takes the present site[10], its buildings and land uses as given and then develops around them. It would, in addition to leaving the Durkee building and Spice Building intact, allow operations at the auto repair shop at 810 Heinz to continue. It would also allow some as yet unspecified use to be made of the Experimental Kitchen building.

Alternative A would result in a difference in employment generation of roughly 50-55 jobs (the difference between retaining the auto repair shop versus approximately 60 jobs in the absent eastern mixed-use building). Conversely, the housing impact of in-migrating employees would also be somewhat reduced.

Alternative B

Implementing a strict set of use restrictions for the renovated buildings of either Scenario One or Two, or Alternative A, would not create adverse environmental impacts. The idea behind an alternative like this one is that some impacts associated with whatever other use mix and site plan are chosen would be decreased through its application.

As the proposed project has developed over the past months, several of the types of restrictions which could be included here have already been incorporated into the proposed project itself. The explicit lease protection for existing tenants recommended on p. 70 is one example. Another example is the applicant's willingness to consider moving the Jewish Community Theatre into the Spice Building (in the case of Scenario Two) in an attempt to insure a higher level of compatibility among Durkee Building tenants.

An impact the which elements of this alternative would create for the applicant is that of narrowing the range of potential tenants. The extent of this burden would depend on the strictness of the conditions applied to tenant selection.

No Project

Both Scenario One and Two propose retaining the Durkee Building and one other element of the existing site: the smokestack in Scenario One and the Spice Building in Scenario Two. Neither scenario proposes to retain the Utility Buildings (810 Heinz and the Experimental Kitchen), and thus the no

[10] The present site has been changing over the past year, with the demolition of the Winterizing Building and the relocation from the site of the East Bay Wash Rack operations.

project alternative would result in this structural difference; Alternative A described above would also retain the Utility Buildings.

The no project alternative would also leave existing tenants to negotiate new leases with the property owner as they come up for renewal. The outcome of those negotiations cannot, however, be forecast with certainty. Because the project (if it were conditioned based on the mitigations recommended in this report) would provide some protection to existing tenants of the site, it is possible that an adverse impact of the no project alternative would be the continuation of the uncertainties faced by existing tenants.

As was noted above, the site related factors (e.g. soils and geology, hydrology and water quality) associated with the no project alternative could produce potential health hazards or require remedial action with or without development on the Durkee site.

The impacts associated with scale related environmental factors would all remain at roughly today's levels under the no project alternative. The measurable (yet relatively small when viewed in light of cumulative development) net traffic, air quality, and noise impacts would not be generated. Conversely, the City would fail to capture the net fiscal and employment benefits of the proposed project.

It is in the area of what are referred to above as planning and community objectives that the no project alternative appears to stand apart most clearly from either the proposed project or a built alternative. This alternative is less successful than any of the other options at attaining City goals for southwest Berkeley. The No Project Alternative would forego several opportunities in the following areas: encouraging the renovation of underutilized buildings; providing for new pedestrian access to Aquatic Park; creating on the order of 300 to 400 net new jobs, many of which could be filled by existing Berkeley residents; and generating new municipal revenues.

CHAPTER VIII

THE RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

Recent use of the Durkee site as a location for a truck wash, an auto repair facility and a variety of very low density offices, shops and artists' studios would likely continue in the short-run pending implementation of the proposed project or in the event that discretionary approvals are withheld and project applications withdrawn. At present, the majority of the site is unused and fenced to prevent entry.

The gradual conversion of existing land uses which has been occurring for several years in the larger study area is evidence that long-term changes occurring in southwest Berkeley are independent of the implementation of this proposed project. Landowners and investors, aided by City goals and policies regarding job creation and appropriate land uses for this area, have apparently determined that the long-term best use for the area is to be found in land uses other than the historically predominant heavy industry, manufacturing and warehousing.

On the Durkee site, it is arguably in the interests of long-term productivity to more intensely utilize the site by constructing in-fill buildings: freeway access, the proximity of Aquatic Park, and the availability of water, sewer and storm drain infrastructure would argue for more intense development here. Accommodating the existing types of uses where feasible would solidify this finding.

This finding has a non-local analogue as well. To the extent that new office and industrial development in the Bay Area is located within urbanized areas, agricultural and other resource lands at the fringe of urban and suburban areas could remain productive.

CHAPTER IX

SOURCES

EIR CONTRIBUTORS

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CHAPTER IX

APPENDICES

City of Berkeley

Planning and Community Development Department
Zoning Division
Martin Luther King, Jr.
Civic Center Building
2180 Milvia Street
Berkeley, California 94704

(415) 644-6570
TTY (415) 644-6915

ENVIRONMENTAL INITIAL STUDY*

I. General Information

Project title (if any) and address or Assessor's block and parcel number(s):

Aquatic Park Center (Durkee Site)
750 Heinz St/2900 Fifth St.

Use permit application number and date submitted (if any):

UP #A888 - 10/24/85 (Revised)

Date environmental information form submitted:

10/24/85 (Revised)

Applicant's name, address and telephone number:

Wareham Properties
1120 Nye Street, Suite 400
P.O. Box 929
San Rafael, CA 94915

Mark S. Scher & Richard Robbins (457-4964)
Architect: Darrell DeTienne
821-9091

II. Description of Attachments

- x Environmental checklist and discussion (Lead Agency)
- x Environmental information form (Applicant)
- x Use permit or other application (Applicant)
- x Correspondence or memoranda: Engineering Science letters of 8/21/85 and 10/9/85; letter from M.A.R.S. (10/30/85); Barton-Aschman traffic analysis (10/24/85)
- ___ Mitigation measures
- X Other: Foundation investigation report (P. Kaldveer - 10/21/85)

III. Determination

On the basis of the attached initial evaluation, I find:

- ___ That the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ___ That although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- x That the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

4/16/86
Date

GIL KELLEY, Senior Planner
Environmental Review

*(To be completed by Lead Agency.)

CITY OF BERKELEY

ENVIRONMENTAL INITIAL STUDY

(To be completed by Lead Agency)

Impact Rating

1 - No significant impact
*2 - Potential impact, but not substantial
*3 - Potential significant impact
*4 - Significant impact

*Impact described on the attached sheet

1. Earth - Will the proposal result in:	
a. Unstable earth conditions or in changes in geologic substructures?	1
b. Disruptions, displacements, compaction or overcovering of the soil?	2
c. Change in topography or ground surface relief features?	2
d. The destruction, covering or modification of any unique geologic or physical features?	1
e. Any increase in wind or water erosion of soils, either on or off the site?	2
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	2
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure or similar hazards?	2
2. Air - Will the proposal result in:	
a. Substantial air emissions or deterioration of ambient air quality?	2
b. The creation of objectionable odors?	1
c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	1
3. Water - Will the proposal result in:	
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?	1
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?	2
c. Alterations to the course or flow of flood waters?	1
d. Change in the amount of surface water in any water body?	1
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	2
f. Alteration of the direction or rate of flow of ground waters?	1
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	1
h. Substantial reduction in the amount of water otherwise available for public water supplies?	1
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	1
4. Plant Life - Will the proposal result in:	
a. Change in the diversity of species, or number of any species of plant?	1
b. Reduction of the numbers of any unique, rare or endangered species of plants?	1
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	1
d. Reduction in acreage of any agricultural crop?	1
5. Animal Life - Will the proposal result in:	
a. Change in the diversity of species, or numbers of any species of animals?	1
b. Reduction of the numbers of any unique, rare or endangered species of animals?	1
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	1
d. Deterioration to existing fish or wildlife habitat?	1
6. Noise - Will the proposal result in:	
a. Increases in existing noise levels?	2
b. Exposure of people to severe noise levels?	2
7. Light and Glare - Will the proposal produce new light or glare?	2
8. Land Use - Will the proposal result in a substantial alteration of the present or planned land use of an area?	3
9. Natural Resources - Will the proposal result in:	
a. Increase in the rate of use of any natural resources?	1
b. Substantial depletion of any non-renewable natural resource?	1
10. Risk of Upset - Does the proposal involve a risk of an explosion or the release of hazardous substances (including oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	3
11. Population - Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	2
12. Housing - Will the proposal affect existing housing or housing demand?	3
13. Transportation/Circulation - Will the proposal result in:	
a. Generation of substantial additional vehicular movement?	3
b. Effects on existing parking facilities, or demand for new parking?	3
c. Substantial impact upon existing transportation systems?	2
d. Alterations to present patterns of circulation or movement of people and/or goods?	2
e. Alterations to waterborne, rail or air traffic?	1

f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians? 3

14. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

a. Fire protection? 2

b. Police protection? 2

c. Schools? 1

d. Parks or other recreational facilities? 2

e. Maintenance of public facilities, including roads? 1

f. Other governmental services? 1

15. Energy. Will the proposal result in:

a. Use of substantial amounts of fuel or energy? 1

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy? 1

16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas? 1

b. Communications systems? 1

c. Water? 2

d. Sewer or septic tanks? 2

e. Storm water drainage? 2

f. Solid waste and disposal? 1

17. Human Health. Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)? 1

b. Exposure of people to potential health hazards? 3

18. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? 3

19. Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities? 2

20. Archeological/Historical. Will the proposal result in an alteration of a significant archeological or historical site, structure, object or building? 3

21. Mandatory Findings of Significance.

(a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? No

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.) No

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.) Yes

d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Yes

III. EVALUATION

1.b,c. (Topography)

Minor alterations to the topography of the site will be made as a result of removing several of the site features and recontouring the relatively flat site for new structures, parking and landscaping. These alterations would not, in themselves, be significant. However, they may relate to, or aggravate, potentially significant impacts in areas of soils toxicity, historic/cultural/aesthetic characteristics, and draining/water quality, as discussed below.

1.e,f and 3.b,e. (Drainage, Erosion, Water Quality)

Development of the site may concentrate surface drainage and carry surface and subsurface contaminants into Aquatic Park lake. It is expected that these impacts can be mitigated through site clean-up and permanent drainage features, but these mitigations should be specified.

6. (Noise)

The project will remove one existing source of noise in the area - the East Bay Wash rack (truck wash). However, the future ambient noise environment should be estimated and the suitability of office use in that noise environment determined. Although the renovated Durkee building may be used partly for artist spaces, it is not presently anticipated that these will be live/work spaces. However, live/work in this structure may be a likely present or future alternative, and therefore, the suitability of this use in the noise environment should also be determined.

The project will also induce an increase in local traffic, as will other planned developments in the West Berkeley and waterfront areas. The magnitude and significance of the resulting noise increase should be determined.

7. (Light and Glare)

No apparent necessity exists for project lighting to cause glare for adjoining properties or local pedestrian or vehicular circulation. However, project lighting is one of the many important aesthetic considerations, and general mitigations/recommendations should be made as part of the aesthetic analysis.

8. (Land Use)

The project will result in the intensification of office use and the working population in West Berkeley's industrial district. The project also has the potential to stimulate increased pressure for conversion of other industrial structures and less intensive land uses in the area, and to create a second business district (in addition to the downtown.) These impacts should be examined in greater detail, and be compared with the goals and policies of the master plan and the evolving West Berkeley Plan.

12. (Housing)

The new working population associated with the project will likely increase the demand for housing in Berkeley, and in particular, may increase the housing prices of the existing available housing stock in the moderate price range. The impact on housing demand and housing prices should be examined in some detail.

13. (Circulation)

The project will result in increase traffic on local streets and will add to the demand for parking. The potential impacts on existing intersection flows, capacities, site circulation, pedestrian conflicts and the adequacy of proposed parking should be analyzed in detail, including "cumulative" impacts. The applicant has provided a preliminary traffic study of his own (Barton-Aschman Associates, 10/24/85).

The project (and cumulative new development) could place significant, new demand on existing bus routes and schedules (A/C Transit), particularly at peak commute hours. These impacts should be examined in detail.

14.a,b,d. (Public Services)

This development, together with other planned developments in West Berkeley will create some additional demand for police and fire services (personnel and equipment). This demand should be quantified by the EIR consultant, in consultation with the City departments concerned. Particular fire prevention features may be required to alleviate the placing of an undue burden on the Fire Department.

The project will adjoin Acquatic Park, by virtue of a connecting bridge to be built over the railroad tracts. Therefore, it is expected that day-use of this park will increase; appropriate measures for handling this connection and the new users should be defined.

16. c,d,e. (Utilities)

The project, together with other planned developments in the area, will create an added demand for water, sewer and storm sewer services. The capacity of existing lines and systems to deliver these should be defined, and appropriate measures recommended.

17. b. (Health Hazards/Toxicity and 10. (Risk of Upset)

In August, 1985, the California Department of Health Services (DOHS) ordered that a plan be prepared for clean-up of hazardous materials on the site. Engineering Science, a private consulting firm, employed by the applicants, submitted such a plan to DOHS on August 21, 1985, based on an inventory and lab testing which they had performed. DOHS has accepted this plan, and applicants have undertaken many of the steps required by the plan.

17.b. and 10 cont'd

The EIR consultant should review the record, consult with DOHS, and prepare an analysis of what additional steps, if any, are necessary to rid the site of toxic health hazards.

18. (Aesthetics)and 20. (Archaeological/Historical)

The project site has recently been designated as a Landmark site and therefore, plans for renovation, demolition and new construction will require the approval of the Berkeley Landmarks Preservation Commission. The proposed plan should be evaluated for its sensitivity to preserving and enhancing the historical features of the site, and for its ability to enhance the pedestrian environment.

Because the site lies close to the original bay shoreline, a search of archaelogical records at Sonoma State University is currently being made to determine if there are known or likely archaeological resources on the site.

Other. (Economic Impacts)

The project will have impacts in the areas of employment, job displacement, and municipal costs and revenues. The project is expected to induce a significant net increase in jobs; however, the employment anticipated should be evaluated in terms of City goals and policies with regard to targeted income groups. The project also has the potential to displace existing commercial tenants who will need to find space elsewhere. Job displacement on a larger scale, could occur throughout West Berkeley as industrial structures and uses are converted, and as the waterfront is developed.

The project is also expected to generate a surplus in revenues to the City, but municipal costs and revenues should be quantified.

APPENDIX B

California Archaeological Inventory



ARCHAEOLOGICAL RECORD SEARCH

LAKE SAN BENITO SAN FRANCISCO SOLANO SONOMA YOLO

Northwest Information Center
Department of Anthropology
Sonoma State University
Rohnert Park, California 94928
(707) 664-2494

17 January 1986

File No: 86-11

Peter W. Brachvogel
De Tienne Associates
3435 Army Street
San Francisco, California 94110

re: Proposed Project in Emeryville Area, Alameda County, California.

Mr. Brachvogel:

The Northwest Information Center's files were reviewed per your request of 3 January 1986. The proposed project area contains no archaeological sites listed in the National Register of Historic Places or in the California Inventory of Historic Resources. There are no recorded prehistoric or historical archaeological sites listed with the California Archaeological Inventory. This office has no record of an archaeological survey of the project area.

In this area, prehistoric settlement patterns were characterized by several village sites located within close proximity to one another. The proposed project area is situated between a large prehistoric occupation site and a major prehistoric shellmound and there is the possibility of unrecorded cultural resources. There is no indication of historic cultural resources which might be adversely affected by this project.

An archival and field study of the proposed project area is recommended to identify prehistoric and historic cultural resources.

Please sign and return the enclosed form. If you have any questions, give this office of the California Archaeological Inventory a call.

Sincerely,

Christian Gerike
Assistant Coordinator

Brian F. Terhorst
Researcher I

encl: Bibliography

APPENDIX C

BUSINESSES LOCATED IN STUDY AREA

In March 1986, as part of the field work undertaken for the EIR, Mundie & Associates staff toured the larger study area. In the course of that walking tour, the following list of business was compiled. The map shown in Figure 28 locates these firms on a block by block basis. Through this list and map are believed to be accurate as of March 1986 (with the caveat that some businesses with San Pablo Avenue addresses were omitted), its usefulness lies in the diversity of use types shown. This complex land use pattern can also be seen in Figure 16.

Business Name and Building Number

1. Up-Right Work Platforms
2. Beyond Repair
3. Ocean Works
4. Zion Tabernacle Baptist Church
5. J&D Aluminum Window Company
6. Berkeley Architectural Salvage
7. Mark Giambruni, Custom Design
8. Electronics Etc.
9. B&S Metals
10. Yellow Checker Cab (dispatch station)
11. Unidentified commercial space
12. Oliver & Company (general contractors)
13. J. Dean Prints
14. Unidentified commercial space
15. Fantasy Records Saul Zaentz Co.
16. Vital Signs (graphic design, printing, & signs)
17. Bank of America
18. Ion Systems Inc. (air ionization machines)
19. Unidentified warehouse
20. Satelite City (TV dishes)
21. Charlie's Garage
22. Geodata
23. Dwight way Nursery (NW corner of 10th & Dwight)
24. Consolidated Freightways
25. Parker Plaza
    a. Ann Flanagan, typography
    b. Bonnie Jean Smetts, graphic design
    c. David Channell, fine art and framing
    d. Shakspear-Burns, architects
    e. Bill Bevis, graphic design
    f. Compass Consulting
    g. Computer Currents
    h. Contextual Therapy Center
    i. Geogroup
    j. Hercules Computer Technology
    k. Heuristic Software Company
    l. IPA Design Inc.
    m. Ivory Consulting Group

n. Kann & Associates
o. Parker Associates

26. Durable Tile Company
27. Cocolat (distribution facility)
28. Unidentified artist space
29. New office building
    a. Clark Business Machines
    b. Mix Publications
    c. Baroly Company
    d. Dan Dommer Associates, architects
    e. Mel Gladstone
    f. Rudy Hurwich
    g. Info/Search (marketing research)
    h. LandMarks
    i. Parker Financial Planning
30. Unidentified light industry (machines and motors)
31. Juan's (restaurant)
32. Berkeley East Bay Humane Society
33. Unidentified warehouse
34. Granata's Restaurant
35. Bashland Building (construction contracting)
36. Coburn Construction
37. The Classic Illumination
38. Proen Products Co.
39. vacant office/shop space
40. Unidentified new warehouse
41. Clyde Equipment Company
42. Bear Company
43. Home Cafe
44. Mighetto & Youngmeister. architects
45. Berkeley Research Center
46. L. J. Kruse Co. (plumbing, heating, piping)
47. P.Q. Corporation
48. Nexus Institute (manufacturing)
49. Electro Coating
50. H.C. McCauley Foundry Co.
51. Cutter Laboratories
52. J&R Towing
53. National Starch and Chemical Corp.
54. V&W (siding, glass, wood, windows)
55. Uncommon Grounds
56. Anamet Laboratories
57. Custom Process (photocopying lab)
58. Macy Movers
59. Husteads Towing
60. Xoma Corp.
61. Morrison's/O'Hara (engraving and trophies)
62. Perfection L.T.D. (auto body shop)
63. Sahara Natural Foods
64. Irrigation Equipment Company
65. Tienson
66. Industrial Testing Laboritories
67. Lazerus
68. Zeta Systems
69. Northern Lights Computers

70. Ecole Bilinque
71. East Bay French American School (under construction)
72. Attorneys Offices
73. Kala Institute
74. Emerald Packaging
75. Meyer Sound Co.
76. Calcom Graphic Supply
77. Van-Mulder Sheet Metal, Inc.
78. Gazette Press
79. Whole Earth Access (retail outlet)
80. Super 7 (auto service station)
81. vacant
82. East Bay Steel Products Inc.
83. E.H. Morrill, Mechanical and Electrical Contractors
84. Aquatic Park Center I
85. Coastline Casuals Inc.
86. Berkeley Industrial Court
    a. Primal Screen
    b. Prim Rose
    c. Vernon C. McBride
    d. Artworks
    e. ABC West (welding/fabrication)
    f. D. Liebermann, Environmentalist
    g. The Wheel Repair
    h. W.R. Grace & Co.
    i. Robert G. Harris
    j. Magic Gardens
    k. Georg Goldberg (custom cabinets)
87. Artisans' Burlwood
88. MacBeth Hardware
89. Texaco (auto service station)
90. Spas
91. Copymat
92. Ashby Plumbing & Heating Supply
93. Berkeley Business Center
    a. Superior Plaster Castings
    b. Taurus Bookbindery
    c. EMCO
    d. Sofa Central
    e. KALA Institute
    f. California Health
    g. Vivoli's
    h. Lisa Learner Chocolate
    i. H.H. Robertson
    j. Ponderosa Paper
    k. Macy Movers
    l. Harold Ellis Inc.
    m. Advance Ideas
    n. Berkeley Game Distributors
    o. Datalift Corp.
    p. Lois Solomon
    q. Digitus Corp.
    r. Herrick Hospital
    s. Hero Arts Rubber Stamps
    t. Paint-A-Car

u. Microsell
v. Raufell Co.
w. Wines & Spirits Warehouse

93. Atlas Van Lines
94. Pacific Bolt
95. Ashby Lumber Co.
96. Unidentified professional office
97. Scheid Industrial Supply Company
98. T & M Parts (truck and auto supply)
99. Gring Pest Control Service
100. Unidentified office
101. Scott Power
102. Meyer Sound
103. Western Screw Co.
104. Oscar Kreinz Incorporated
105. Langendorf
106. Book People
107. Baron Von Frier
108. Priority Web
109. Berkeley Outlet
110. Bay Export Services
111. Temescal

*Several San Pablo Avenue businesses are omitted.

FIGURE 31 BUSINESSES IN LARGER STUDY AREA



AQUATIC PARK CENTER (DURKEE SITE)

0 200 500 feet

ENGINEERING-SCIENCE INVESTIGATION OF POTENTIAL HAZARDOUS SUBSTANCES
(Two Memos: 18 May 1986 and 20 January 1986)

ES ENGINEERING-SCIENCE

600 BANCROFT WAY • BERKELEY, CALIFORNIA 94710 • 415/548-7970

19 May 1986
Ref: 56449.00

Department of Health Services
2151 Berkeley Way, Annex 7
Berkeley, CA 94704

Attention: Mr. Stephen A. Cimperman

Subject: Wareham Development Progress Report IV: Resolution of Cleanup at the 2900 5th Street and 700 Heinz Avenue Properties, Berkeley, California

INTRODUCTION

Engineering-Science (ES), at the request of its client, Wareham Development, and in cooperation with the North Coast Section, Toxic Substance Control Division, California Department of Health Services (DOHS), implemented a site characterization and cleanup program in September 1985 to address the Wareham Development project site. This site includes the 2900 5th Street and 700 Heinz Avenue properties in Berkeley, California. Three reports (Phase I, II, and III) have been submitted to DOHS, the California Regional Water Quality Control Board (RWQCB), and the City of Berkeley Health Department detailing these investigations on 21 August 1985, 8 October 1985, and 28 January 1986, respectively.

The remaining unresolved aspects of the site cleanup were discussed during a meeting between Mark Scher of Wareham Development and Steve Cimperman of the DOHS staff on 28 February 1986 and were outlined in a DOHS letter dated 19 March 1986. The issues and the resolutions agreed upon during the 28 February meeting to be addressed by Wareham Development include, but are not limited to:

1) Identification of the oil (i.e., vegetable or petroleum) found in the soil and groundwater of the site and submission of the results to DOHS;

2) Discussion of any further cleanup required by the RWQCB on the relatively high concentrations of oil and grease found in the groundwaters under the 2900 5th Street property;

3) Identification of the source of the black liquid observed in the SP drainage swale by excavating trenches upgradient of the drainage swale to follow the seepage to its source; and

4) Implementation of a program to remove all hazardous wastes from the 700 Heinz Avenue property.

Figure 1 shows the area under investigation. The 2900 5th Street property is divided into Parcels A and B. Parcel B was the site of the former Durkee Vegetable Oil Manufacturing Plant. Parcel C, the 700 Heinz Avenue property, borders the 2900 5th Street property to the west, and is currently leased to East Bay Wash Rack, Inc. (EBWRI), a fully operational tank-truck washing facility. EBWRI uses detergents and caustic solutions to clean out the interior of tank trucks. The solutions carried by the trucks are unrecorded but are assumably diverse. The EBWRI lease on Parcel C will expire in June 1986.

UNRESOLVED SITE CLEANUP ISSUES/RESOLUTIONS

Oil Identification

As recommended in the Wareham Development Phase III Report, a flash test was performed on a subsurface oil sample in order to establish the status (i.e., vegetable or petroleum) of the oil. This test proved inconclusive due to an insufficient amount of oil in the soil sample.

Subsequent conversations with Mr. Steve Cimperman of DOHS concerning this identification difficulty revealed DOHS laboratory staff willingness to use infrared spectroscopy (IR) methods to confirm the status of the subsurface oils. A soil sample from monitoring well MW-2 was delivered by ES personnel to DOHS for analysis. The oil in this sample was identified as "mineral oil" (petroleum based) having a concentration of 4400 mg/kg. The ES laboratory reported an oil and grease concentration of 1200 mg/kg from a split of the same sample. The greater concentration reported by the

DOHS laboratory was probably due to a difference in split spoon sampler depth.

RWQCB Oil and Grease Cleanup Requirements

Mr. Dale Boyer, project engineer with the RWQCB (personal communication, 9 April 1986), suggested that as far as RWQCB was concerned cleanup requirements to date appeared to be sufficiently in order. However, the recent identification of the subsurface oil as mineral oil may warrant additional soil treatment or removal to satisfy the regulatory agency.

Source of Black Liquid in SP Drainage Swale

Ten exploratory trenches were excavated on Parcel C during 22 March 1986 in an attempt to locate the source of the caustic liquid observed downgradient of EBWRI on the SP right-of-way. Observations concerning the origin of this liquid were made during the excavation of the trenches. The locations of the trenches are displayed on Figure 1.

Trenches #1, #2, #3, and #4 were excavated downgradient of the EBWRI wash rack facility whereas the remaining 6 trenches were excavated upgradient of the wash area. All trenches were excavated by Penhall Construction Services, using a backhoe, to variable depths depending on the discovery of liquid seepage. All trenches were backfilled shortly after excavation. Soils encountered during trenching were visually classified according to the United Soil Classification System (USCS) by an ES field geologist. The logs of the trenches appear in Appendix A. Cross sections constructed from the trench logs are presented in Figures 2, 3, and 4. Locations of these cross sections are displayed in Figure 1.

Soil samples were taken from trenches #1, #2, #3, #4, and #5 with hand trowels. A new, clean trowel was used for each trench sampling. Approximately 500 grams of soil were transferred to one-litre glass jars with aluminum foil-lined, self-sealing lids. Samples were taken to the ES laboratory where they are being kept refrigerated. These samples have not been analyzed by ES on the recommendation of Steve Cimperman of DOHS that any hazardous waste excavator/hauler would most likely require an in-house analysis to be performed and prior analyses would be redundant.

Trenches Downgradient of EBWRI

Trenches #1 and #4 were excavated directly south of the SP railroad spur that runs through the wash rack facility. A black, soapy, oily liquid having a pH between 9 and 11 was encountered approximately 14 inches below the surface of the ballast. This liquid was observed to seep from the railroad ballast along the northwestern wall of the trench.

Trenches #2 and #3 were excavated directly across (north) the railroad spur from trenches #1 and #4. A lesser volume of the soapy, oily liquid with a pH of 10.5 was observed emanating from the southern wall of trench #2 at a depth of approximately 20 inches. Trench #3 could not be excavated beyond a depth of 15 inches due to the presence of a sewer line in this area, but a muddy, oily liquid was discovered at this depth.

Trenches Upgradient of EBWRI

In order to assess potential sources associated with the former Durkee operations several trenches were excavated upgradient of the EBWRI wash rack facilities. Trenches #5 and #6 were excavated just east of the wash rack area. Trench #5 was located to the north of the SP railroad spur servicing the wash rack. Trench #6 was excavated in the railroad ballast between the tracks to a depth of 28 inches. No seepage was observed in either trench.

Trench #7 was excavated downgradient of an in-ground sump associated with the former Durkee factory. The trench was dug to a depth of three feet in fill material that was rumored to be part of a "French drain" system. At a depth of 18 inches a muddy liquid having a pH of 7 was encountered. Also, the liquid in the sump was observed to have a near-neutral pH of 6.5. These results are interesting in light of the fact that Harding Lawson Associates reported caustic liquids in the sump and in a test pit downgradient of the sump on 22 October 1985.

Trenches #8 and #9 were excavated downgradient and northwest of the in-ground sump to see if the purported "French drain" could be followed to the wash rack area, and if it could provide a preferential pathway for the migration of potentially toxic substances from the Durkee site. Even though trench #8 was excavated to a depth of 24 inches no seepage was

detected. Seepage of liquid was encountered in trench #9 but the liquid was not caustic, displaying a pH of 7. This pH value is indicative of measurements of pH in soil and water samples from the 2900 5th Street property (Table 2). Soil pH data collected from the numerous test pits up and downgradient of the EBWRI facilities thus suggest that contaminants responsible for the high pH observed originate on the 500 Heinz Avenue property versus the 2900 Fifth Street property.

Figure 3 is a cross-sectional interpretation of a traverse connecting trenches #5, #6, #7, and #9. Of the five trenches excavated upgradient of the EBWRI facility, only #7 and #9 were observed to contain any seepage liquids and probably represent sections of the French drain system.

Examination of Figure 4 indicates that water levels upgradient of the wash rack facility, in MW#1, MW#2, and the trench near the southern property boundary, are on the order of 10 feet, while downgradient of the wash rack facility water levels of 1.5 feet were intercepted in the trenches. EBWRI must be contributing extensive quantities of liquids to bring water levels up to the shallow levels at which they are observed.

Trench #10 was excavated just to the west of the 700 Heinz Avenue and 2900 5th Street property border to a depth of 17 inches. No seepage was observed in this trench.

Discussion of Results

The pH of liquids seeping into the ten trenches varied from near neutral (pH = 6.5) to caustic (pH = 11). All of the trenches downgradient of the EBWRI facility displayed elevated pH. Conversely, all of the trenches upgradient of the wash rack area show a pH near neutrality.

pH Results Downgradient of EBWRI

In order to evaluate the significance of these results several areas that have displayed historically high pH were also sampled. The pH of the liquid in the SP right-of-way drainage swale and in the concrete sump at the end of the swale were measured from between 6 and 7 on 22 March 1986. This historically low pH (Table 1) was probably due to dilution (after heavy rains) of the solution in the drainage swale. Previous and subsequent measured pH values from these areas (Table 1) support the dilution hypothesis.

TABLE 1

HISTORCIAL pH MEASUREMENTS AT WAREHAM DEVELOPMENT
700 HEINZ AVENUE PROPERTY

Location	1985			1986				
	7 Aug	1 Oct	22 Oct	16 Jan	22 Mar	11 Apr	2 May	9 May
SP Railroad spur	NT	NT	NT	NT	9.5	NT	9.5	11
SP drainage swale	13	10.26	NT	10	6.5	10.5	9.5	10
Concrete sump to storm sewer	NT	NT	NT	NT	6.5	9.5	8	8
EBWRI waste-water sump	NT	NT	NT	NT	NT	NT	13	12
EBWRI chemi-cal storage tank	NT	10.30	NT	NT	NT	NT	NT	NT
HLS interceptor trench	NT	NT	11	NT	NT	NT	NT	NT
HLS test pits								
TP-2	NT	NT	11	NT	NT	NT	NT	NT
TP-3	NT	NT	11	NT	NT	NT	NT	NT
TP-5	NT	NT	11	NT	NT	NT	NT	NT

NT = not taken.

Examination of Table 1 reveals that the average pH of liquids sampled in the drainage swale is approximately 9.5 and ranges from a low of 6.5 sampled on 22 March 1986 to a high of 13 sampled on 7 August 1985. The wide variability in pH is probably due to differing tank truck cargoes and applicable cleaning solutions associated with EBWRI operations, and dilution.

Eleven observations of the SP right-of-way drainage swale occurred between 7 August 1985 and 9 May 1986. The pH varied from 6.5 to 13 during the seven times that the pH of the only liquid was recorded. Only liquid was observed in the drainage swale at all times, irrespective of weather.

However, pH levels taken rainstorm events tended to be lower diluting effect of the rainwater. The color of the liquid in the drainage swale also become lighter during the peak rainfall season.

The pH of the liquid surfacing along the SP railroad spur tracks at the southwest corner of Parcel C ranged from between 9 and 10 on 22 March 1986. This pH correlates closely with the pH of liquids found seeping into trenches excavated downgradient of the wash rack area and is within the historical range of measured pH values for this section of the site. An historically high pH of 11 was measured on 9 May 1986.

HLA Interceptor Trench

On 30 September 1985, Mr. Steve Cimperman of DOHS indicated that the preferred DOHS approach for preliminary determination of contaminant migration of caustic liquids offsite and remedial measures would entail the trenching of the area between the wastewater sump located in the southwest corner of the 700 Heinz Avenue property and SP drainage swale. This trench would be fitted with a perforated drain pipe and plumbed into the central EBWRI sump in order to intercept and contain any contaminant seepage occurring. On 22 October 1985, Harding Lawson Associates (HLA), environmental consultant to EBWRI, excavated and installed such a trench. During excavation of the trench, HLA personnel observed seepage of a black, caustic liquid emanating from the railroad ballast running through the EBWRI washing facility.

ES personnel, on numerous inspection visits to the site, have never observed any pumpage of liquid being intercepted by the trench back into the central EBWRI sump. In addition, ES personnel have never observed any plumbing connecting the perforated interceptor drain pipe to the central sump; in fact, ES personnel have never observed the perforated interceptor drain pipe.

pH Results Upgradient of EBWRI

In addition to the pH of liquids sampled in trenches upgradient of the wash rack area the pH of several surface samples were taken. Samples were taken from puddled liquids in the southeast oil drain, the in-ground sump, and areas along the southern border of the property - an oil tank and a

water sump (Figure 1). All of these liquids displayed a measured pH of between 6 and 7.

The area immediately south of this southeastern section of Parcel C, where these puddled liquids were observed on 22 March 1986, was trenched on 1 November 1985 (Figure 1). Results of this trench excavation, as reported in the Phase III Progress Report, revealed that a black, oily liquid was observed seeping from the walls of the trench. Soil samples taken from this trench displayed a pH ranging between 7.35 and 7.65. These results suggest the possibility that liquids leaking from the oil drain and oil tank located along the southern border of the property may be responsible for the seepage observed in the trench. Also, there may be a pathway for the oily liquids in these tanks to migrate downgradient to the SP drainage swale.

If the black, oily liquid observed in the drainage swale originated from contamination associated with the former Durkee operations, then the pH of the liquids sampled in the drainage swale should approach neutrality like the samples taken from the 2900 5th Street parcel (Table 2). If former Durkee operations were partially responsible for the contamination in the drainage swale, additional inputs from a source with a higher pH (EBWRI) would be needed to explain the high pH measured in liquid samples from the SP drainage swale.

TABLE 2

HISTORICAL pH MEASUREMENTS AT WAREHAM DEVELOPMENT
2900 5TH STREET PROPERTY

	1985					
	1 Nov	1 Nov	11 Nov	11 Nov	14 Nov	14 Nov
Sample ID	A1	B1	Bore #2	Bore #2	MW-1	MW-2
Type	Soil	Soil	Soil	Soil	Water	Water
Depth (ft)	1.5	4	3-4	13.5-15.0		
pH	7.35	7.65	7.40	9.38	6.95	6.80

Another possibility, although less likely, is that the high pH observed in soil samples from Parcel C and in puddled liquids from the SP drainage swale is an inherent property of the material used for fill. If the fill material had a high pH, then as liquids permeated the material the elevated pH material would be leached out and carried downgradient resulting in the high pH liquid in the SP drainage swale. It could be argued that EBWRI's cleaning operations using caustic fluids and the elevated measured pH observed in the drainage swale is purely coincidental.

Hazardous Waste Removal

700 Heinz Avenue Property

Hazardous wastes and related storage facilities existing on the 700 Heinz Avenue property have been inventoried by DOHS personnel to include at a minimum: an old caustic storage tank; a currently used waste chemical storage tank; EBWRI's caustic storage tank and associated piping; possible asbestos in the hydrogenation building; and miscellaneous tanks, piping, hydrated lime, and the black liquid in the drainage swale. All of these materials, except for the possible asbestos in the hydrogenation building, are related to the past and present operation of EBWRI.

In order to fully assess the potential hazardous substances related to the 700 Heinz Avenue property, EBWRI should manifest and submit all potentially hazardous substances purchased and/or stored on the site during operation of the facility to the DOHS. In addition, EBWRI should attempt to inventory the potentially hazardous solutions washed from the tank trucks during the lifetime of the washing operation. Cleanup of this site should take place until EBWRI shuts down it's operations and vacates the premises in June 1986.

2900 5th Street Property

The initial cleanup, removal, and legal disposal of potentially hazardous materials (not including any possible contaminated soil or groundwater) on this site, as manifested in the DOHS' "Determination of Imminent or Substantial Endangerment and Remedial Action" Order, was covered in the Wareham Development Phase I Report submitted to the DOHS on 21 August 1985. All of these manifested materials were removed from the

site by 30 September 1985 except for twenty-two 55-gallon drums and three samller containers that were cataloged by ES personnel and presented in the Phase II Report for Wareham Development dated 7 October 1985. These items, along with some asbestos siding, were observed to still be present on the site on 9 May 1986. In response to DOHS' concerns over cleanup of these items, Wareham Development has presently contracted Ericksons, Inc. of Richmond, California to legally handle and remove the 55-gallon drums and asbestos siding from the premises.

CONCLUSIONS

The caustic, variable pH liquid found periodically in the SP right-of-way drainage swale appears to emanate from the ballast of the railroad spur that runs through the EBWRI wash area. Trenches downgradient of the wash rack area displayed liquids with relatively high pH originating from the railroad ballast. Trenches excavated upgradient of the wash rack area were either dry of displayed liquids that were near neutrality. These findings appear to indicate that the source of the caustic liquid that periodically appears in the drainage swale can be associated with the activities of EBWRI and not with former Durkee operations.

The possibility that some material could be migrating from the former oil drain and tank area located in the southeast corner of Parcel C to the SP drainage swale needs further investigation. Even though this may be a possibility, it appears that any contamination from this area could not contribute to the high pH's observed in the SP drainage swale.

Any potentially hazardous waste associated with the past and present operation of EBWRI should be resolved by EBWRI.

RECOMMENDATIONS

1. Monitor the drainage swale liquid for changes in pH and volume after the EBWRI closure in June 1986. This would verify whether the EBWRI operations were responsible for the pH liquid observed or whether it originates from sources independent of EBWRI operations. EBWRI has previously stated that they observed the black liquid in the SP drainage swale when they first started

operations there. Monitoring the drainage swale liquid would resolve this issue.

2. EBWRI should prepare and present all interested parties with a manifest of chemicals purchased, stored on site, and/or cleaned from truck tanks during the life of their operations on Parcel C. Samples of the principal cleaning agents used should also be provided.

3. Soils downgradient of the EBWRI facility should be sampled and compared to samples of chemicals used in the EBWRI operations to determine the type and extent of soil contamination.

4. If the black caustic liquid persists after EBWRI has closed down operations, then a trench should be excavated south of the existing EBWRI business office, between the southeastern oil drain area of Parcel C and the SP drainage swale, to determine if the migration of any oily liquid associated with former operations could be migrating downgradient to the drainage swale.

Very truly yours,

Richard S. Makdisi
Project Manager

WRK/NES/RSM/mmb/284

cc: Mark Scher, Wareham Development
Dale Boyer, Regional Water Quality Control Board
F. G. Lynch, Department of Health and Human Services, City of Berkeley

ENGINEERING-SCIENCE

600 BANCROFT WAY • BERKELEY, CALIFORNIA 94710 • 415/548-7970

20 January 1986
Ref: 56449.00

Wareham Development
Seventh Street Properties
1120 Nye Street, Suite 400
P. O. Box 929
San Rafael, CA 94915

Attention: Mr. Mark A. Scher

Subject: Wareham Development Phase III Report: Implementation of Site Characterization Plan and Redemial Action for the Seventh Street Properties II, Berkeley, California.

INTRODUCTION

This letter describes the implementation of the site characterization plan submitted by Engineering-Science (ES) to the North Coast Section, Toxic Substance Control Division, California Department of Health Services (DOHS) on 1 October 1985. Engineering-Science has been retained by Wareham Development to evaluate the extent of, and recommend controls for, any potentially hazardous waste substances discovered on the 2900 5th Street and 700 Heinz Avenue properties.

Figure 1 shows the area under investigation. The 2900 5th Street property is divided into Parcels A and B. Parcel B, the focus of investigation by ES, was the site of the Durkee Vegetable Oil Manufacturing Plant. All buildings and storage facilities on Parcel B have been removed over the last three months.

The 700 Heinz Avenue property (referred to hereinafter as Parcel C) borders the 2900 5th Street parcels to the west (Figure 1). Parcel C is leased to the presently operational East Bay Wash Rack, Inc. (EBWRI) which operates a tank-truck washing facility. This operation utilizes detergents and caustic solutions in cleaning out the interior of the trucks' tanks. The solutions carried by the trucks are unrecorded but are assumably diverse. The EBWRI lease on Parcel C is due to expire in 1986 at which time Parcel C will become part of the proposed Wareham Development Project.

West of the EBWRI Parcel C area is the Southern Pacific Transportation Co. (SP) railway and easement property. In July 1985, a black-colored caustic liquid was discovered by DOHS personnel to have ponded in the drainage swale bordering the southwest corner of Parcel C on SP right-of-way as shown on Figure 1. The DOHS issued a "Determination of Imminent or Substantial Endangerment and Remedial Action" Order requiring EBWRI to mitigate the black liquid on 22 August 1985. The black caustic liquid was removed but reappeared approximately two weeks later. EBWRI subsequently retained Harding Lawson Associates (HLA) to respond to DOHS requests for remedial action. HLA in cooperation with DOHS completed trenching and took soil samples in the Parcel C area in an effort to determine the source of the black caustic liquid. ES personnel, during their site visit of 1 November 1985, first observed that the contaminated drainage swale area had been fenced off.

PHYSICAL SETTING

The Wareham Development Project site (Parcels A, B, and C) is essentially level; rectangular in shape with dimensions of approximately 874 feet by 291 feet oriented with its long axis east-west. The regional slope is westward; a break in slope occurs just downgradient of the site, between the SP tracks and Aquatic Park.

Subsurface materials encountered in exploratory boreholes, trenches, and test pits by ES, HLA, and Peter Kaldveer and Associates, Inc. (PKAI) consisted of medium dense to dense silts and clays with minor sand and gravel lenses to a depth of approximately 35 feet. Below this depth, alternating layers of medium dense to dense sand and stiff silty clay extending to a depth of 51 feet were observed by PKAI beneath Parcel C (EB-1). Approximate locations of all exploratory boreholes, trenches, and test pits referred to are shown on Figures 1 and 3. Figure 2 shows cross sections based on borehole data from Parcels B and C.

Geologically, the project site is underlain by the Temescal Formation, an alluvial fan deposit originating in the Berkeley Hills to the east of the site. The Temescal Formation consists of silt, clay, and sand with minor gravel and extends to a depth of 60 feet beneath the project area.

Underlying this formation is the Alameda Formation which extends to depths greater than 1000 feet in some sections of the Bay Area.

SITE CHARACTERIZATION ACTIVITIES

Site Characterization Activities focused on two principal objectives: 1) to define the vertical and horizontal extent of contaminents most likely to be found in the environment given what was known about the site, and 2) to determine the source origin of the black caustic liquid observed downgradient of EBWRI on the SP right-of-way. In order to meet these objectives a program involving soil sampling from trenches and boreholes, and the installation of two groundwater monitoring wells was implemented.

The black, caustic liquid observed in the drainage swale was sampled by S. Cimperman of the DOHS on 1 October 1985 (Figure 3). The pH of this liquid was found to be quite high, 10.26, but lower than the pH of 13 reported by ES laboratory for a black liquid residing in the swale on 7 August 1985. Analysis of this liquid for metal species was performed by the Hazardous Materials Laboratory of the DOHS. All metal species analyzed for were below Total Threshold Limit Concentrations (TTLC) of the California Assessment Manual (CAM) (Table 1 and 2). The liquid residing in the EBWRI chemical storage tank was also sampled at this time, and had a pH (10.30) similar to the black, caustic liquid. Metal analysis of this liquid showed slightly higher concentrations, but still below TTLC levels.

Five soil samples were collected by ES personnel between 1 October and 11 November 1985 from locations shown on Figure 3. One sample was taken just southwest of the border between Parcel B and C, and was analyzed for oil and grease. Two samples were taken during the excavation of an exploratory trench across the Parcel B/Parcel C border, and were analyzed for pH, oil and grease, and nickel. The last two soil samples were taken during the construction of the groundwater monitoring wells (Figure 3), and these samples were analyzed for pH, oil and grease, aromatic hydrocarbons (benzene, toluene, and xylenes), and nickel. Oil and grease, and aromatic hydrocarbons analyses were performed due to the presence of a diesel vault on Parcel B. Nickel was analyzed as numerous 55 gallon drums of nickel catalyst were observed on Parcel B during the initial site reconnisance. A

hazardous substance inventory of materials removed from the site was presented in ES' phase II submission to DOHS. Analytical results for these soil samples are contained in Appendix A.

Soil samples, except for the samples taken from the groundwater well boreholes, were taken with hand trowels. A new, clean trowel was used for each sampling, and after used for sampling, trowels were rinsed in methanol and distilled water back at the ES laboratory. Soil samples from the groundwater well boreholes were taken with a split-spoon sampler used in conjunction with an 8-inch diameter hollow stem auger. Approximately 500 grams of soil were transferred to one-litre glass jars with aluminum foil-lined, self-sealing lids. Samples were refrigerated until analysis could be performed.

Trenching/Pit Development

On 1 October 1985, ES personnel observed a black, viscous, oily substance permeating the soil just southwest of the Parcel B/Parcel C border across the SP easement. The sample taken from this soil was found to contain 780 mg/kg of oil and grease.

As a result of this discovery and in accordance with proposed site characterization work outlined in the phase II report, a 2-foot wide, 22-foot long exploratory trench was constructed south of the Parcel B/Parcel C border. The location of this trench is shown on Figure 3. The trench was excavated by Thomas D. Eychner, Inc., the Wareham Development demolition contractor, using a backhoe, to a depth of 12 feet. Soils encountered during trenching were visually classified according to the Unified Soil Classification System (USCS) by a ES field geologist. The log of the trench appears in Appendix B.

As excavation of the trench proceeded, narrow lenses of a black, oily liquid were observed along the walls of the trench, extending from approximately 1.5 feet to 4 feet below the ground surface. Two soil samples, A1 and B1, were taken from the trench (Table 1). Sample A1, taken from a depth of 1.5 feet, had a pH of 7.35, and contained 120 mg/kg oil and grease and 29 mg/kg nickel. The deeper sample, B1, had a slightly higher pH (7.65), and contained nominally more oil and grease (210 mg/kg) and nickel (70 mg/kg) than sample A1.

HLA in cooperation with DOHS constructed a trench between the drai cauldron and the SP drainage seep near the southwest corner of Parcel potentially intercept the black alkaline liquid that had been observe accumulate in the drainage swale. While trench excavation was under HLA representatives observed a black liquid having a pH of 11 seeping the southwest wall of the trench. A soil sample taken by S. Cimperma DOHS was taken from the interceptor trench and was analyzed for PCB's Total Metals (Table 1 and 2). All analyses reported were below the T Threshold Limit Concentrations (TTLC) for the constituents identified.

In addition to the trench, HLA and DOHS excavated five test pits the Parcel C property (Figure 1). Three of the test pits, TP-2, TP-3, TP-5, all located on or to the south of the SP easement that bisects Par C, showed seepage of a black caustic liquid. TP-1 and TP-4, located n of the Parcel C-SP easement showed no sign of seepage.

Groundwater Well Installation

As set forth in ES' site characterization plan submitted to DOHS o October 1985, in order to characterize the hydrogeology and groundwa quality of the project site, ES inspected the installation of two grou water monitoring wells by PKAI on 11 November 1985 (Figure 1). Well c struction summaries are presented in Appendix C. The monitoring wells w located to assess potential groundwater pollution based on the history the site. Of primary concern was the potential contamination by die fuel from the diesel vault located on the south-central portion of Par B. One monitoring well, MW1, was placed upgradient of the diesel vault establish background levels of contamination while MW2 was placed downg dient of the vault. The monitoring wells could not be placed closer to site of the diesel vault due to the presence of reinforced concrete slab up to 2 feet in thickness. The monitoring well installation was comple to specifications in accordance with recommendations of the Regional Wa Quality Control Board (RWQCB) (Dale Boyer, personal communication, November 1985), which was informed of the installation.

Two split spoon samples were taken during the drilling of MW2, one a depth of between 3 and 4 feet, and one at a depth of between 13.5 and

was not a significant factor on Parcel B. This also suggests that the highly caustic nature of the black liquid observed seeping into the SP drainage swale is not due to sodium hydroxide contamination from Parcel B.

The pH of the liquid taken from the SP right-of-way drainage swale showed a wide variability. On 7 August 1985, ES personnel sampled the liquid and reported a pH of 13, while samples (liquid and solid) taken from the caustic tank on Parcel C showed lower values of pH (9.3 and 9.6). On 1 October 1985, the pH of the drainage swale liquid was 10.26 as reported by DOHS. The pH of the liquid in the drainage swale correlates closely to the pH (10.30) of a DOHS liquid sample taken from the chemical storage tank (Figure 3) on the same date. This suggests than the liquid in the chemical storage tank may be the source of the liquid in the SP drainage swale.

The pH of the diluted solution (after heavy rains) in the drainage swale varied from between 8.5 and 10 when measured on 16 January 1986.

Metal Species

Concentrations of all metal species tested from the soil samples analyzed by DOHS and ES were below Total Threshold Limit Concentration (TTLC). Of particular interest to Parcel B was the concentration of nickel found on the site. The soil samples taken from Parcel B, A1, B1, Bore #2 (3-4 feet), and Bore #2 (13.5-15.0 feet), showed nickel concentrations of 29, 70, 29, and 45 mg/kg respectively. These concentrations are well below the 2000 mg/kg TTLC for nickel.

Oil and Grease

Soil oil and grease from samples #1, A1, B1, Bore #2 (3-4 feet), and Bore #2 (13.5-15.0 feet) had reported concentrations of 780, 120, 210, 1200, and 660 mg/kg respectively. Even though there are no DOHS guidelines or standards for oil and grease maximum allowable concentrations, it appears that these concentrations are low enough that soil removal or soil treatment to remove oil and grease will probably not be required. The RWQCB does not require removal of soil if the oil and grease are confined to the unsaturated soil zone and no direct water infiltration of the soil occurs. Even though the oil and grease appears to be confined to the unsaturated zone, direct water infiltration probably occurs and in this

case the soil may have to be removed or treated. The RWQCB requires treatment, removal, or discharge permitting if oil and grease concentrations exceeds 25 mg/l over a 30-day average as secondary water discharge.

The oil and grease found in the soils of Parcel B most likely resulted from leakage of the vegetable oil storage tanks on the property. If the oil and grease is found to be vegetable in origin and is not considered a health hazard, it may not require any additional action.

The black, caustic liquid found in the SP easement drainage swale downgradient of Parcel C displayed an oil and grease concentration of 23 mg/l when sampled by ES on 29 July 1985.

Diesel and Hydrocarbons

The concentration of diesel found in the two groundwater samples from MW1 and MW2 were below the <0.05 mg/l analytical detection limit. The concentrations from soils sampled by ES on 13 September 1985 from directly beneath (0.31 mg/kg) and downgradient (0.26 mg/kg) of the diesel vault are also relatively low. The concentrations in both the groundwater and soils are less than RWQCB and DOHS action levels. The aromatic hydrocarbons found in the soil sample from Bore #2 probably resulted from the degradation of diesel that leaked from the diesel vault.

PCBs

Because of the low concentrations (<20 ug/g) of PCB's reported for samples taken from the site a serious hazard does not exist from this constituent. The PCB concentration reported was less than the 20 ug/g detection limit. TTLC levels for PCB are given in CAM as 50 ug/g. Thus no further action is needed to remove any possible PCB's from Parcel B.

CONCLUSIONS

The near neutral pH found in soil and groundwater samples from Parcel B suggests that the highly caustic (pH = 11) liquid observed in samples collected from Parcel C does not originate from Parcel B. The ultimate source of the black caustic liquid may be the storage tank found on the EBWRI facility. The oily black caustic liquid pH levels suggests that it

is probably washed via EBWRI washdown activities toward the concrete sump location on SP easement south of parcel C.

The oil and grease found in the soils on Parcel B is probably the result of vegetable oil contamination resulting from leakage or spillage from the vegetable oil storage tanks of the old Durkee manufacturing plant. The vegetable oil may be washed through the soil in the direction of the local gradient.

Samples taken by DOHS from the SP right-of-way drainage and the HLA interceptor trench must be considered to be spot samples and only representative at the time of sampling. The nature of EBWRI's facilities in which different tank-trucks with diverse cargoes are washed daily necessitates periodic sampling over a long period of time in order to assess any changes in liquids observed downgradient of the wash-rack facility. If the ultimate origin of the black, caustic liquid was to be found then a periodic sampling protocol should have been implemented by DOHS.

RECOMMENDATIONS

1. A flash test should be performed on the subsurface oils to confirm their vegetable oil status.

2. Trenching from the point where the 17-foot railroad easement drain crosses the Parcel B/Parcel C property line and south until intersecting the southern property line would establish whether the black caustic liquid was originating from Parcel B. A trench of a minimum depth of 3 feet is recommended.

Very truly yours,

Neal E. Siler
Geologist

Richard S. Makdisi
Project Manager

NES/RSM/mmb/263a
Encl.

APPENDIX E

APPLICATION FOR LANDMARK DESIGNATION

(APPLICATION REQUESTING DESIGNATION FOR LANDMARK STATUS)

FEES: Ordinance 4694-N.S. Individual Landmark $50.00 Historical Dist. $100.00

1. Name of Property Famous Foods plant (Vegetable Oil Co., later Durkee) Survey Code No. _____
2. Buildings (8) Site x Open Space _____
3. County Alameda 4. City Berkeley 94710
5. Street 2900 5th Street/ 740-810 Heinz Avenue
6. Vicinity (if rural) _____
7. Present Occupant various
8. Present Owner east portion: Wareham Properties, Box 929, San Rafael, CA 94915 west portion:
9. Original Owner (if known) Stauffer Oil Company
10. Date of Construction 1916-7; 1929; 1934; 1947 11. Style early 20c utilitarian; Art Deco
12. Architect/Builder Paulson & Marini (1916-7); Trygve Ronneberg (1929) 13. Original Use vegetable oil factory
14. Historic Value: national ___ state ___ county X city X neighborhood X none ___
15. Architectural Value: national ___ state ___ county ___ city X neighborhood X none ___
16. Notable Garden or Landscaping: yes ___ no X
17. Photographs: contemporary _____ dates 1978, 1985 photographer Betty Marvin repository BAHA historical _____ dates c.1926, c.1940, 1946 photographer unknown repository published
18. Bibliography: Published Sources _____ Public Records _____ Interviews _____ Other _____ see p. 7
19. Block Number 1650 20. Lot No. 107, 301, 400 21. Lot Size: Frontage appx. 700' E-W Depth appx. 275' N-S
22. Current Zoning Status M 23. Adjacent Property Zoning Status M
24. Present Use: residential (single family __ multiple __ ?) office x store x public ___ other x specify light industrial _____
25. Adjacent Property Use (check all that apply): residential (single family __ multiple __ ?) office x store x public ___ other x specify industrial _____

26. Assessed Property Value: current_____ 5 yrs. ago____ 10 yrs. ago_____

27. Present Condition of Property: exterior: excellent ? good__ fair__ poor__
interior: excellent__ good__ fair__ poor__
grounds: excellent__ good__ fair__ poor__

28. Property Endangered: yes x no___ source, if yes development pressure in W.Berk.

29. Potential New Property Uses:_____

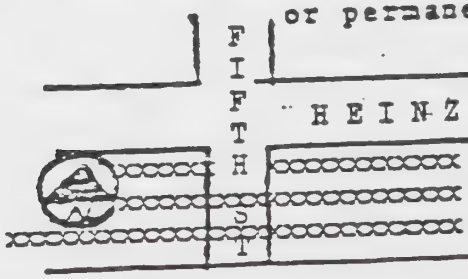
30. History: Briefly descirbe the historical significance of this property.
The Vegetable Oil Company, predecessor of Durkee on this site, appears to have been one of the earliest industries to locate in this southern portion of West Berkeley. In the 1903-11 Sanborn maps, only one property (Golden West Distilling Co. at SW 3rd and Grayson) is mapped west of Sacramento Street from Dwight to Folger, while block books from the 1910s show the area still owned in large strips of land from San Pablo to the ba by the Snyders, Graysons, etc. (West Berkeley north of Channing, and Emeryville even more so, were already fully mapped and extensively industrialized.)
The earliest buildings now on the Durkee site were built in 1916-17 for Stauffer Oil Co., by contractors Paulson & Marini, all giving San Francisco addresses on the building

[see page 3]

31. Architecture: Briefly describe the appearance of this structure. Include notable features as well as later alterations and changes. Indicate notable landscaping or natural features.
The buildings now standing on the historic Vegetable Oil/Durkee plant site are 8, plus 3 clusters of tanks and other industrial appurtenances including cyclone fencing and (inactive) railway spur tracks running east-west along both sides and down the middle of the site. The site extends about a block east and west of 5th Street and south of Heinz Avenue two buildings deep: uneven blocks and unopened streets characterize this area whose earliest development was industrial.
Of the 5 brick structures on the site, the smokestack and the copra warehouse date from the original plant of 1916-17; the Durkee/Margarine Building (as well as the upper

[see page 4]

32. Location Map (nearest intersection or permanent landmark)



33. Photograph (Contact print from 35mm black and white photo attached

34. Additional Comments or Continuation of Previous Answers

35. Recorder: Name Betty Marvin Title_____
Address BAHA, Box 1137, 94701 Date 7/4/85

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30. History, cont'd

permits. John Stauffer seems to have been a San Francisco chemical manuf active in the industrial development of southwest Berkeley, listed in t Berkeley directory as president of California Nut Products and West Coa vice president of San Francisco Sulphur Co., SF Sulphur just east of th and West Coast Kalsomine in the former Golden West distillery. By the opened it was known as Vegetable Oil Company (Benj. J. Rice, superinten successive Sanborn updates label the buildings "To Be Stauffer Oil Co." Vegetable Oil Co. copra oil mill", the 1919 permit to build oil tanks i Vegetable Oil Co., and the Oakland Chamber of Commerce's Oakland Achiev "Vegetable Oil Co., 5th & Snyder Streets, Berkeley (cocoanut oil and me industries located here in 1920." Sanborn maps indicate that from 1920 physical plant was approximately as shown in a photo in Industrial Oakl a site plan labeled "VOCo, 4/6/29" (both attached), with two clusters o served by three spur tracks. The creek on the plan, and trees in the ph area a semi-rural character even in the late 1920s. VOCo's last known b is dated Feb. 13, 1928, for a cooling tower, Marini again the contracto plan was apparently drawn in connection with the takeover by Glidden Fo Durkee Famous Foods: their first permit, for alteration of the copra wa dated April 25, 1929, and those for the Margarine (Durkee) Building and boiler room buildings followed on June 12 and August 10.

Reasons for the change of ownership have not come to light, other industrial expansion and centralization. The Berkeley Chamber of Commer Oct. 5, 1929, reported that "Glidden Food Products Co., operating in tw buildings in West Berkeley, will remove their entire business office fr to the plant at 800 Heinz...making this city the center of their distri same time the name will be changed to Durkee Famous Foods Inc. This cor is nationally known...is contributing materially to the development of district...The beautiful new building which they have just completed on site in West Berkeley is a fine contribution to this city...."

Building permits and Sanborn maps show the plant expanding steadil and expanding greatly in 1947, with permits for new hydrogenation plant, tower, deodorizer, office/storage, electric sign, an experimental bakery in that year alone. Plans that have been preserved give more informatio tanks and vats and refinery equipment within the various buildings than ings themselves: all processes from arrival of seeds to departure of pac took place here. Clippings from 1946 & 47, when civilian industry was bi in the plant's rather shadowy early years, describe it as the largest ed refinery on the Pacific Coast, "crushing all vegetables for oils," refir and manufacturing margarine, mayonnaise, salad oil, and livestock meal. there were 7 other Durkee plants in the country; "its parent company is Co. with home office in Cleveland...Newell Beatty, in charge of the loca vice-president of the Glidden Co." The Berkeley plant claimed 2 city blc 10 buildings, and 225 employees.

Site plans indicate that the plant was at its height in the late 40 (1958 map attached). In 1960 Durkee acquired the Stauffer Chemical/SF Su to the east (to 7th St.) and built and remodeled for their own use. By 1 correspondence show the owner as Glidden-Durkee Division of SCM; in 1974 closed. In 1977 (Gazette, 1/6/78, reported sale of "two of Berkeley's la industrial buildings") it was bought by Agricom of SF, also a refiner of and permit applications resume for seed hoppers, deodorizers, etc., unti bankruptcy in 1984. Agricom subdivided parts of the property: 730 Heinz includes correspondence on creating a separate parcel of the copra wareh adjoining land, and for several years other parts have been rented for v businesses and live-work uses (at least one of which continues the food

Though now thinned out to about half the buildings historically on Durkee complex remains a distinguished sample of early 20th century indu tecture in Berkeley, and the courtyard at the west end retains some of t of the self-contained industrial compound. Even the transite buildings a the 1947 hydrogenation plant are period pieces: the rhythm of their gabl

At second-story level is a decorative brick frieze of basketweave and slightly projecting soldier & header courses. About 3' above is the first level of the parapet, with brick coping. About 10' in, the parapet rises perhaps 18' straight up in its first step, and then another 5' or so to the top. Copings are concrete, flush with the wall and chamfered back. The tallest center section has 4 tall metal-sash windows set high up, each in a slightly recessed panel leaving pilasters about 1' wide between. The pilasters have concrete Art Deco fountain caps, at the level of the flanking parapets. Also at this level is a frieze similar to the one below but using bricks cut and set diagonally. The outer parapets have concrete-linteled slits like crenellations in line with the 4 windows, but outside the roofline so sky shows through.

The west wall is hidden by the Hydrogenation Plant (Blg. 34), and from 1947-78 a large Durkee sign, in neon-edged free-standing script letters, stood on top of this side of the building facing the bay and freeway. Along the east wall is a recent metal shed roof and enclosure over a loading dock: until 1975 (demo. permit, 800 Heinz) the 170' between here and 5th Street was occupied by two more of the original brick refinery buildings. The south wall has the same stepped brick parapet as the north facade, but without the ornament.

This building was constructed in part in 1916: drawings by Paulson & Marini and permit 5858 for the "old refinery" at 5th and Heinz are dated Sept. 1916 and the two appear on the same Sanborn layer , where this is shown as a 1=2 story, 24' high building with skylit roof on steel girders. Alteration permit 32608, April 25, 1929, is for altering the warehouse at 740 Heinz, specifying that the $22,000 "cost does not exceed 50% of original cost." : at this time the monitor roof and 54' height appear in Sanborn maps, while the footprint remains the same. As for the rest of the 1929 work, the designer was Trygve Ronneberg and the contractor Dinwiddie Construction Co. The concrete ornament on the Heinz Avenue parapet is clearly related to the 1929 Durkee Building; the exact line between old and new fabric is not immediately obvious.

The Hard Butter Building (demolished June 1985) was the product of a similar even more extensive reworking of an older building: essentially a new reinforced-concrete-framed 3-story building, plans indicate that it incorporated the lower portion of a stepped-parapet 1916 brick building as part of its first floor.

The Durkee Building--historically the Margarine Building, Building 5, 2900 5th Street--is the one entirely new major building of 1929 on a formerly vacant portion of the site, and the most showily styled. It was built under permit 32843, June 12, 1929, for a factory, new, $50,000. Plans were by Trygve Ronneberg of S.F., structural engineer, with N. Ronneberg of Chicago as consulting engineer. It is a 2-story building, brick on a reinforced concrete frame, about 105 x 120' and 35' high (6 bays on Heinz by 5 bays on 5th). Like the copra warehouse and Hard Butter Blg., wall surfaces are common brick in American bond, plain except for slightly projecting pilasters at the bay divisions. Ornament on the Heinz and 5th Street frontages is concrete: the exposed base, second floor, and roof slab lines and matching coping at the top of the parapet, and cast cement of similar color and mass and finish as caps to the inner pilasters (at roof-slab level) and as elaborate window and door frames, stepped pilaster tops,& diamond-trimmed copings on the elevated parapets of the end bays on the two street frontages. The northwest corner of the building, at the corner of 5th and Heinz, where the main pedestrian entrance and stair tower are located, is the most ornate, with two-story windows in tall cast concrete frames like stylized stage boxes: the balconies at their bottoms are cement over brick built out in steps, as detailed in the plans. The pedestrian entrance, facing 5th Street, is half a story below the factory first floor which is at loading dock level; it has a tall 4-stepped cement surround of geometric panels whose top is even with the other first-floor openings, inscribed "Durkee Famous Foods Inc." The double door and 5-sided transom are new glass and sash but approximately original in shape: the original door had brass kickplates and tall sidelights. No two of the ornamented bays are quite alike, ornament decreasing in proportion to distance from the grand entrance. Further distinction is given to the

entry corner and 5th St. axis by the use of larger panes in the windows.

There are unadorned pedestrian doors in the 1st, 3rd, and 5th bays on Heinz, and loading doors on east and west elevations; otherwise bays are mostly filled by two large, ceiling-high, multi-paned metal sash windows each, with concrete sills and (the slab lines) lintels. East and west loading docks have suspended metal canopies. East and south elevations have the same paired windows and common brick and slab lines as the street frontages, but except for the return ornament on the NE corner bay, lack ornment: coping is brick, and pilasters are exposed cement. The south side was separated from the Hard Butter Building by the width of a railroad track, and joined to it by a concrete and steel bridge at second floor level, and another "pipe bridge" connected that to the refinery to the west.

Plans indicate interior uses and details: refrigerated rooms with insulated walls of cork and plaster and double windows (steel sash outside, wooden inside) on the first floor; tempering rooms for melting fat on the second floor; center monitor skylight; split brick paving; chute connecting first and second floor mayonnaise rooms; rooms for margarine churning and packing; general office, steno and 3 private offices, waiting room, and rest rooms in the front bays around the stair tower.

The Spice Warehouse, Building 6, is SE of the Durkee building; its west wall, with two fire doors, was a party wall with the Boiler Room. It is about 80' x 100' in plan, with a loading dock along its north side facing into the courtyard formed by the backs of the Durkee Building and 810 Heinz. This wall is brick, with various doors below the loading dock canopy, and a continuous band of steel sash above, to a total height of about 20'. The south wall, on the boundary of the property, is brick, solid except for 2 metal rolling doors. The east wall, opposite 3 huge metal tanks, is solid brick with a very shallow-peaked parapet corresponding to the slope of the truss roof. Drawings show 4 steel trusses; walls are described as 8" key brick.

This appears to be the $16,000 one-story "butter room" at 2940 5th, built under permit 50891, July 1, 1941, designed by R.J. Fisher and built by Dinwiddie Construction both of the same S.F. address. It is also called "shortening warehouse" and "grocery products" on other site plans.

The Experimental Kitchen, Building 27A, is similar in structure and materials to Building 6, on the same courtyard. It is 45' x 49' in plan, its back wall along the east property line, its brick front, with one large multi-pane window and a single office door, facing the back of the Durkee Building, and its north wall adjoining 810 Heinz. It has American bond common brick walls, tar & gravel roof, & stands 12' high. It was apparently built under permit 51781, Oct. 10, 1941, as a $5000 storage building, same designer and builder as Building 6.

810 Heinz, adjoining the north wall of the Experimental Kitchen and extending 97' along Heinz by 57' deep, encloses the fourth side of the courtyard behind the Durkee Building. It is corrugated asbestos on steel frame, with a gable roof running E-W, about 12' high at the eaves and 22' at the peak. A large proportion of its wall area contains big metal-sash windows; there is a large vehicle door in the second bay east. This building apparently dates from permit 38441, April 5, 1934, for a $6000 office and warehouse building at 826 Heinz, Durkee Famous Foods owner and contractor, Henry D. Oliphant of 1734 Campbell St., Oakland, architect.

Building 34, just south of the copra warehouse across the spur track, labeled variously the New Meal Warehouse, Finished Stock Warehouse, and Empty Container Warehouse, is a large gable-roofed structure of corrugated transite on steel, about 74' x 125', the long dimension and gable running north-south, 20' high at the eaves, 35' at the peak. It is slightly L-shaped at the SE corner, where a cluster of large tanks is located. It dates from permit 38517, May 28, 1934, for a $10,000 steel frame building at 738 Heinz, Durkee Famous Foods owner and contractor. It replaced an earlier wood-frame storage building.

Building 35, the Hydrogenation Building, against the west wall of the copra warehouse at the west end of the complex along Heinz, is another corrugated transite building on steel frame. It is 67' x 40' in plan, with a shed roof sloping down from the copra warehouse's parapet level; at its highest point, along the copra warehouse, is a sort of half-monitor with louvred side. There is a rolling door in its west bay on Heinz, and its west wall has large metal-sash windows--described on the 1958 insurance map as explosion venting windows. Its permit is dated Feb. 6, 1947, for a $12,000 warehouse, Herrick Iron Works engineer, W.H. Wisheropp builder: this was one of a large number of improvements made in 1947.

Major elements no longer in existence, in addition to the Boiler Room and Hard Butter Building, are the 2 other 1916 brick refinery buildings between the copra warehouse and 5th Street (demolished c. 1975), the machine shops and cluster of tanks (including a tall steel water tower with Durkee sign) between the meal warehouse and 5th, and the various scales and other equipment associated with the three railroad spurs around and through the site. In 1960 Durkee acquired the property east of 810 Heinz as far as 7th Street, and used its now-demolished buildings for about a decade; fairly late in its career the plant also extended tanks, electrical equipment, and the like west beyond the hydrogenation building.

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May 29, 1987

AQUATIC PARK CENTER - DURKEE SITE
WAREHAM DEVELOPMENT
Project #8619-A

OUTLINE CHRONOLOGY OF PROJECT

1/31/85	- 810 Heinz Demolition Permit Application - 2900 Fifth Street Demolition Permit Application
2/11/85	- Two Demolition Permits improperly issued
2/85-6/85	- Demolition proceeds on site
6/13/85	- **LPC Meeting** - discuss landmarking
6/17/85	- **LPC Meeting** - requests City Manager to reinstate Stop Work Order
7/4/85	- Landmark Application filed
7/15/85	- **LPC Meeting** - landmark status amended to include entire site
8/6/85	- **LPC Meeting**- Public Hearing - Durkee Landmark Application approved
8/20/85	- Wareham Development files appeal
9/10/85	- **City Council Appeal** - referred back to LPC to allow staff time to prepare appeal report
9/16/85	- **LPC Meeting** - clarified intent upon designation of landmark status

10/8/85	- First discussions with Gil Kelley for preparation of 11/11/85 LPC Meeting - time line confirmed with Neil Mayer - 4-month minimum, 6-month maximum for EIR Report
11/11/85	- **LPC Meeting** - demolition permits suspended
11/14/85	- Time line expanded by Kelley and Mayer - 20 weeks to 32 weeks
1/13/86	- **First Task Force Meeting** - RFPs out to EIR consultants
2/5/86	- **Task Force Meeting** - EIR consultant chosen and introduced - public meeting for EIR scope set for 2/20/86 - first EIR draft to staff by 3/7/86, public draft to be issued 3/31/86
2/86-6/86	- Development of Site Plans, Building Plans, Elevations for EIR
6/86	- **Draft EIR issued**
8/18/86	- **LPC Meeting** - Public Hearing - EIR review
8/25/86	- **Board of Adjustments Meeting** - Public Hearing - EIR review - approval to proceed with final EIR with 30-day public review period
8/26/86	- Mitigation Package delivered to Wareham
10/17/86	- **Mitigation Meeting**
10/22/86	- Meeting with Gil Kelley and EIR consultant - **Mitigation Meeting**
10/30/86	- Site Review with City Traffic Engineer
11/6/86	- **Mitigation Meeting**
11/10/86	- **Mitigation Meeting**

11/22/86 - **LPC Site Visit**
  - relocated Building F due to LPC suggestions

12/1/86 - **LPC Special Meeting**
  - follow-up to Site Meeting to discuss comments on EIR to be sent to Board of Adjustments

12/11/86 - **Board of Adjustments Meeting**
  - certification of EIR

12/15/86 - **LPC Meeting** (informal)
  - purpose was for LPC to request additional information from Wareham, and to review plans in informal setting

1/5/87 - **LPC Meeting** (informal)
  - discussed massing of site
  - discussed that smokestack may be unfeasible due to cost ($300,000-500,000)

1/20/87 - **LPC Meeting** (informal)
  - discussed massing of Building C as two-story for Xoma Corporation
  - LPC requested partial second story on Building E

2/9/87 - **LPC Meeting** (informal)
  - discussed massing
  - reduced Building C to one-story, and increased Building E to two stories, reflecting LPC suggestions
  - costs for "fake" smokestack estimated at $140,000

2/19/87 - **Task Force Meeting**
  - explanation of mitigations

2/27/87 - **Mitigation Meeting**

3/6/87 - **Mitigation Meeting**

3/16/87 - **LPC Meeting** - Public
  - public testimony
  - meeting continued until 3/30/87

3/30/87	- **LPC Meeting** - Public Hearing continued - approved project except smokestack
4/15/87	- Wareham Appeal on smokestack filed to City Council
5/5/87	- **City Council Meeting** - Public Hearing - agreed to workshop session concerning smokestack
5/7/87	- Workshop Meeting - City Hall
5/11/87	- Workshop Meeting **City Council Meeting** - Public Hearing
5/19/87	- **City Council Meeting** - Public Hearing - reversed LPC ruling

ATTACHMENT 'A'
TO CONDITIONS
OF APPROVAL

June 11, 1987

Mr. Gil Kelley
City of Berkeley
Rent Stabilization Board
2180 Milvia Street, Room 206
Berkeley, CA 94704

RE: SEVENTH STREET PROPERTY v. KAHN

Dear Mr. Kelley:

I have enclosed for your files an executed copy of the Settlement Agreement in the above matter.

Very truly yours,

HORWICH & WARNER

SCOTT D. BAKER

SDB/eac/2839n
2164.7002
Enclosure

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SETTLEMENT AGREEMENT

This Agreement effective May 1, 1987 is between 7TH STREET PROPERTIES II ("7th Street") on the one hand and BETSEY STRANGE, JOHN SHEA, KATIE KAHN, JOHN SPARAGANA, GLENN GRANDPIERRE, SUZANNE PETTIGREW, and ROBERT REITER (collectively referred to as "Tenants") on the other hand.

R E C I T A L S:

A. 7th Street is the owner of certain real property in the City of Berkeley, including those premises at 800 Heinz Avenue ("Durkee Building"). The Tenants are, or in some cases were, tenants of 7th Street at the Durkee Building.

B. 7th Street and Tenants have been involved in various proceedings before the Rent Stabilization Board in the City of Berkeley based on Petitions filed by both 7th Street and Tenants (the "Rent Board Proceedings").

C. The parties hereto now wish to resolve the Rent Board Proceedings and all other matters as between them and accordingly agree as follows:

A G R E E M E N T:

1. 7th Street agrees to make available and the Tenants agree to lease from 7th Street four live/work units (the "units") at the Durkee Building. Such units shall be registered by 7th Street with the Berkeley Rent Stabilization Board ("RSB").

2. 7th Street shall register the units with the RSB at those rents last charged by 7th Street to the Tenants. 7th Street shall endeavor to register the units with the RSB no later than May 7, 1987.

3. In conjunction with 7th Street's overall construction work and improvement of the Durkee Building, 7th Street will bring the units into compliance with applicable building codes, all at 7th Street's expense.

4. Upon completion of the construction referred to in Paragraph 3 above, Tenants agree to pay to 7th Street rent in the amount of $.30 per sq./ft. per month, payable on the first day of each month of the Tenant's occupancy of each unit. 7th Street shall submit a Fast Track Individual Rent Adjustment Petition to the RSB regarding the $.30 per sq./ft. rental, which will include all improvements, repairs and renovation done to the units. The Tenants hereby agree to, and will, join in the Fast Track Petition and stipulate to the rental increase to $.30 per sq./ft. per month. The Tenants obligation to pay $.30 per sq./ft. per month for rent shall commence upon approval of the Petition by the RSB.

5. In addition to all rental payments relating to the units, Tenants shall pay to Landlord reimbursement for all utilities. Each unit will be separately metered for utilities.

6. 7th Street agrees to restore, during the renovation and construction referred to in Paragraph 3 above,

at its sole expense, any improvements constructed by Tenants to the units currently occupied by them.

7. The Tenants agree to relocate during the time necessary for the construction and renovation referred to in Paragraph 3 above. Provided that Tenants relocate to premises comparable to the units, 7th Street shall pay the following costs of relocation:

i. Reasonable moving expenses from, and back into, the Durkee Building;

ii. The difference between the rents charged in the comparable relocation premises and $.30 per sq./ft. during the period in which the Tenants are temporarily relocated.

8. 7th Street shall provide Tenants with three months written notice prior to the time Tenants must vacate the units and relocate. The Tenants agree to immediately vacate the premises on the dates set forth in 7th Street's notice.

9. The parties agree that after the construction referred to in Paragraph 3 is complete, Tenants shall have the right to enter into possession and rent live/work space in the renovated Durkee Building comparable to that unit currently, or previously, occupied by each of the Tenants. The live/work space in the renovated Durkee Building will be deemed comparable to the unit if it is similar in size, lighting and location to that unit previously occupied. The renovated live/work space to be occupied by KATIE KAHN and JOHN SPARAGANA will be in the 1,000 to 1,100 sq. ft. range. The

unit to be occupied by ROBERT REITER may be at least 500 sq./ft. smaller in space than that currently occupied by REITER and may also consist of two separate units connected by a doorway. In the event the REITER unit will have reduced floor space, REITER will receive loft storage space or similar storage provisions. If feasible, in 7th Street's sole judgment, REITER requests that the second kitchen not be fully built out.

10. Each of the parties hereto agrees to execute any and all additional documents necessary to effectuate and carry out the terms of this agreement, including petitions and leases as may be required.

11. The parties hereto agree that all Rent Board Proceedings brought by any party hereto, are hereby terminated with prejudice, and that each party hereto waives any right of appeal or to pursue those matters further. The parties shall cause their attorneys to so notify the RSB and to file all appropriate documents, each party to bear its own cost of any proceedings.

12. This Settlement Agreement contains the entire agreement between the parties with respect to the matters herein and this Agreement may only be modified in a writing signed by all parties hereto. 7th Street and Tenants hereby acknowledge and represent to the other that they have sought independent advice and counsel with respect to the execution

of this Settlement Agreement and enter into this Agreement willingly, voluntarily and with authority to do so.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date set forth above.

BETSEY STRANGE

KATIE KAHN

GLENN GRANDPIERRE

ROBERT REITER

JOHN SHEA

JOHN SPARAGANA

SUZANNE PETTIGREW

7th STREET PROPERTIES, II

By
Its General Partner

Approval as to Form:

ZONA SAGE
Attorneys for Tenants

5/5/87
SCOTT D. BAKER
Attorney for 7TH STREET

City of Berkeley

Planning & Community
Development Department
Martin Luther King, Jr.
Civic Center Building
2180 Milvia Street, 2nd Floor
Berkeley, California 94704

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M E M O R A N D U M

FOR BOARD ACTION
June 17,1987

TO: Members of the Board of Adjustments

FROM: Gil Kelley, Acting Chief, Advance Planning

SUBJECT: 750 HEINZ STREET/2900 FIFTH STREET - NEW CONSTRUCTION, DEMOLITIONS, AND CONVERSIONS AT THE DURKEE SITE - UP.# A1222, VAR.# 1211

Introduction:

The applicant, Richard Robbins (dba/Warham Development), proposes to create a mixed-use project at the site of the former Durkee Famous Foods plant in West Berkeley. He is requesting use permits and variances to construct 3 new buildings, to renovate and convert 2 existing buildings, and to demolish one existing building, a free-standing smokestack, and an open metal framework structure. Proposed uses are office, including a research and development facility (about 109,000 sq. ft. total), live/work units (18), a theatre (9,000 sq. ft.) a cafe (about 3,500 sq. ft.) a childcare center (3,000-5000 sq. ft.), and light industrial/retail space (10,000 sq. ft.). The project site is designated a city landmark site, and necessary approvals for the project have been granted by the Landmarks Commission and City Council. A final environmental impact report (EIR) was certified by the Board in December, 1986; a brief addendum (second addendum) to the EIR has been prepared to take recent project revisions into account.

Recommendation:

It is recommended that the Board amend the 12/11/86 certification ofthe final EIR for this project, in order to include in the final EIR a second addendum dated 6/5/87. It is further recommended that the Board of Adjustments approve the requested use permits and variances, subject to the conditions recommended in this report, and in accordance with the findings recommended herein.

Members of the Board of Adjustments
RE: 750 HEINZ STREET/2900 FIFTH STREET

FOR BOARD ACTION
June 17, 1987

Summary Information:

Applicant: Richard Robbins, dba Wareham Development, 457-4964

Permits requested: Five use permits and two variances, as described on the attached public notice

Zoning District: `M' (Manufacturing)

Environmental Status: An EIR has been prepared for this project. The final EIR was certified by the Board on 12/11/86. Amendment of this certification is now required in order to incorporate a second addendum which discusses recent changes in the project.

Communications: 123 notices of the public hearing were sent, including notice to 3 neighborhood organizations. To date no responses have received.

Attachments:
Public Notice
Proposed Plans and Elevations
Applicant's Statement
Recommended Mitigation Measures/Conditions of Approval
Tenant's Agreement
Proposed CEQA Findings
Proposed Second Addendum to Final EIR (6/87)
Final EIR (11/86), including First Addendum (12/86)
Draft EIR (6/86)
Council Resolution No. 53,752 -N.S., concerning Appeal of Landmarks Preservation Commission Decision on project

Discussion:

The project site was designated a landmark site by the Landmarks Preservation Commission and, therefore, the development requests for this project have also been subject to review by the LPC under the Landmarks Preservation Ordinance. On March 26, 1987, the LPC granted the necessary approvals for the project, subject to certain conditions, except for permission to demolish the smokestack. On appeal of this decision, the City Council granted permission to demolish the stack (5/19/87). These approvals become effective if and when the Board of Adjustments approves the requested use permits and variances.

Members of the Board of Adjustments
RE: 750 HEINZ STREET/2900 FIFTH STREET

FOR BOARD ACTION
June 17, 1987

This project is subject to review under the California Environmental Quality Act (CEQA). An environmental impact report (EIR) was certified as complete and adequate by the Board on 12/11/86. (The certification action included a brief addendum to the final EIR, referred to here as "First Addendum.") Because there have been changes int he project since certification, many of which have been made for the purpose of incorporating mitigation measures recommended by the EIR, a Second Addendum has been prepared. Should the Board approve the permit requests, it will need to first amend the earlier EIR certification action to include the new addendum. The Board will also need to make findings under CEQA that significant impacts identified in the EIR will be mitigated by changes incorporated in the project or conditions of project approval.

Following preparation of the draft EIR, staff from both planning and the Office of Economic Development developed, and have negotiated agreement with the applicant for, a comprehensive set of mitigation measures. Some are physical measures which have been incorporated in the revised project drawings, others are performance or monetary measures. The second group are recommended as conditions of project approval and are detailed in the attachment entitled "Recommended Mitigation Measures/Conditions of Approval".

Findings:

Staff recommends that the justifications set forth in the attached applicant's statement for each use permit and variance are adequate under the zoning ordinance to grant the permits requested.

Staff also recommends finding that all potentially sigificant environmental impacts identified in the EIR have been eliminated or substantially lessened by incorporation of changes to the project and the mutually agreed upon conditions of approval, in accordance with the attached "Proposed CEQA Findings".

Conditions:

In addition to the negotiated conditions set forth in the attached document entitled "Recommended Mitigation Measures/Conditions of Approval, staff recommends that the following special conditions also be required:

1. Permission to demolish the smokestack shall be contingent upon the applicant first furnishing to the City a bonafide executed agreement with XOMA Corporation for occupancy of Building `E`.

2. Design review approval by the Landmarks Preservation Commission shall be required for all new and rehabilitated buildings, and other site improvements, prior to issuance of building permits.

3. Subsequent use permits shall be required for operation of the cafe', theatre, and childcare center, once operators are selected.

4. Any future changes in land use type for any of the buildings or spaces, shall require amendment of this master use permit.

750 Heinz Street/2900 Fifth Street
Use Permits and Variances for Durkee Site Development
6/17/87

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RECOMMENDED C.E.Q.A. FINDINGS

Upon consideration of the final Environmental Impact Report (EIR) prepared for this project (SCH. No. 86071501), which was certified as complete and adequate by this Board on December 11, 1986, and which certification was amended on June 17, 1986 to include an addendum to the EIR dated June 17, 1987, and upon consideration of the mitigation measures appended hereto, and the applicant's agreement to incorporate all of these measures into the project, the Board of Adjustments hereby finds, in accordance with Sections 21083 and 21087 of the Public Resources Code and Sections 15091 - 15093 of the CEQA Guidelines, that all potentially significant environmental impacts identified in the EIR have been eliminated or substantially lessened as follows:

1. Land Use/Landmarks Impacts.

Changes have been incorporated into, and required as conditions of, the project which eliminate or substantially lessen the impacts on land use, and on landmark/historic characteristics of the site.

The EIR states that one adverse consequence of continued office conversions in West Berkeley is the loss of affordable space for small businesses and live/work uses. The project has been revised to include 18 live/work units on the site, including 13 at levels affordable to low or very low income tenants as defined by H.U.D. standards. Additionally the project retains space for light industrial, retail and theatre space.

The EIR identifies certain physical changes to this site which may be of consequence to preserving its character as a local landmark site. The EIR futher identifies the need for local decision-makers (the Landmarks Preservation Commission and City Council) to decide what mix of design and other measures might mitigate any loss of existing features or characteristics of the site and preserve the character for which the site was designated. The LPC and Council, after conducting several public hearings, and after considering numerous changes made to the project by the applicant in order to enhance its historical character, granted the requisite demolition and construction approvals under the Landmarks Preservation Ordinance. In so doing, these bodies found the revisions to the project have mitigated any potentially significant adverse impacts in the area of impacts on historical/archaeological resources (Council Resolution No. 53,752 - N.S.).

2. Employment and Housing.

Changes and conditions have been required in the project which substantially lessen the potentially significant housing and employment impacts identified in the EIR.

The project will create new jobs in Berkeley, and will create a concurrent increase in demand for housing in Berkeley, including competition for the scarce, unprotected portion of the city's affordable housing stock. Measures required of the project will substantially lessen this impact by targeting new jobs for Berkeley residents, and identified target employment groups in particular, through First Source Hiring Agreements, and funding of an employment coordinator at the City. Provision of 20 affordable residential units (including 18 live/work units) has also been required of the project.

4. Transportation.

Changes and conditions have been required in the project which substantially lessen the impacts on traffic, transportation, and parking.

The EIR identifies the potential for local intersections to reach unacceptable levels of service as a result the project and several other local projects, unless certain traffic improvements are made. The EIR also identifies a need for additional parking at the site, and the need to encourage use of alternate means of transportation. As conditions of the project, the applicant will bear the cost of his project share of need traffic improvements, will prepare a TSM plan, and be required to offer transit discount passes. Parking at the site has also been increased to the meet the level of demand projected by the EIR.

5. Air Quality.

The EIR identifies the potential for construction period disturbance, particularly of live work tenants at the site, due to dust. The agreement reached between the tenats and the applicant, calls for temporary relocation of tenants, at the applicant's expense, during the critical construction period. Additionally, the project must conform to City Health Department regulations for construction - period air emmissions.

6. Noise.

The EIR identifies the potential for construction period noise disturbance, particularly for live/work tenants at the site, and for building "F' to periodically exceed accepatable interior noise levels during train pass-bys. The relocation agreement will relocate tenants during the critical construction period. Furthermore, construction at the site will be required to conform to the terms of the City's Noise Ordinance, in terms of hours of operation and acceptable levels. As a further condition of the project, a qualified accoustical expert shall be retained in the design of building "F' to assure that acceptable interior noise levels will be reached.

7. Health/Water Quaility.

The EIR and subsequent studies have shown that several sources and incidents of toxic contamination exist on the site. A Final Remedial Action Program has been prepared and accepted by the state Department of Health Services. Performance of the measures specified therein have been made explicit conditions of the use permits for this project.

8. Public Services.

The EIR identifies the potential for the project to generate the need to make improvements to local water, storm sewer, and sewer lines to adequately serve the project. Conditions of project approval require that these improvements, if necessary, be made at the applicant's expense prior to obtaining occupancy permits.

9. Fiscal.

The EIR shows that the net fiscal activity from the project is expected to be beneficial to the City, unless substantial portions of the space are leased to tax-exempt entities. An explicit condition of use permit approval is the requirement to pay fees in-lieu of taxes to the city, should any commercial portion of the project be leased to such entities.

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6/17/87

750 HEINZ STREET/2900 FIFTH STREET (DURKEE SITE)

RECOMMENDED MITIGATION MEASURES/ USE PERMIT CONDITIONS

The following conditions are recommended as means to increase the benefits and reduce the potential negative impacts of the project. In substantial part they correspond to issues raised in the Environmental Impact Report for the project. The substance of these conditions has been agreed to by the developer in a process of negotiation with City staff from the Office of Economic Development and the Planning and Community Development Department. There is one small exception, explicitly noted below, in which a late-discovered complication was still being worked out at the time this report was prepared.

The mitigations cover the following areas:
- o Protection and improvements for current tenants of the project
- o Provision of additional affordable housing
- o Employment opportunities, and payments to facilitate targeted hiring programs
- o Provision of childcare
- o Traffic and transportation
- o Payments in lieu of taxes
- o Provision of theater space
- o Funds to aid other historic preservation/small businesses

In addition, this memorandum covers certain other aspects of implementing these mitigations and cooperating with the developer to do so.

It is recommended that the Board of Adjustments adopt as use permit conditions the underscored language below.

1.Treatment of current tenants in live-work spaces.

A signed agreement exists between the developer and current and recent past live-work tenants in the Durkee building (building A). Key components are:

o Four units brought to code, in the same size and otherwise comparable to existing units and available to these tenants once renovated (one unit reduced in size with the tenant's agreement and able to be converted to two units if the current tenant later moves).

o All units leased at $0.30 per square foot once renovated. Rents to be registered with the Rent Board and regulated as are rents in other controlled units, permanently regardless of whether current tenants remain.

o Relocation payments to the tenants for moving costs and for any higher rents in temporary quarters during renovation.

The full agreement between developer and tenants is contained in Attachment 1 and should be adopted as a use permit condition. As a further condition, should any of the current tenants of these units leave, vacant units must be rented to households with incomes at or below the level defined as very low

income (50% of median income for the corresponding household size) by HUD in guidelines published for the Oakland SMSA and as implemented by the Berkeley Housing Authority. The units shall remain as registered with the Rent Board permanently.

This provides for 5 housing units affordable to people of very low income (counting as 2 units the one large unit that will be divided should it become vacant).

2. Additional housing mitigations.

In addition to the housing provisions in item 1, the developer shall provide for 15 additional affordable housing units as follows. The overall result is the provision of 12 further units for low income people and 3 further units for very low income people, primarily on the site but with a minority of the units being paid for in cash.

Within the Durkee building (building A), the developer shall provide at least 13 live-work units. Twelve of these units shall be of size no less than 950 square feet. The thirteenth unit shall be of size no less than 650 square feet. All units provided in the Durkee building shall have obtained their certificates of occupancy no later than eighteen (18) months from issuance of the use permits, or upon issuance of certificates of occupncy for in excess of seventy-five percent (75%) of building F, whichever is earlier . The Durkee certificates of occupancy shall be a condition for any Building F certificate that yields seventy five percent (75%) or greater occupancy.

Initial rents for these units shall be as follows:
--at least 2 of the 950 square foot and larger units shall be rented at $375 per month, making them affordable to households of very low income by HUD standards.
--all of the 950 square foot and larger units that are not rented at $375 per month shall be rented at $600 per month, making them affordable to households of low income by HUD standards.
--the 650 square foot or larger unit shall be rented at $0.60 per square foot per month (corresponding to the per square foot rental rate for the larger units for low income households).
The registration process Be conducted
All of the units within the Durkee building shall be registered with the Berkeley Rent Control Board and shall thereafter be governed by its regulations permanently.

Assuming the developer provides a total of 13 units in the Durkee building, then two other affordable units shall be provided by payments by the developer into the City of Berkeley's general fund, in a specially designated housing account.The amount of the payment shall be $70,500 (sufficient to pay subsidy for one very low and one low income unit to be developed elsewhere). If, however, the developer designates 3 rather than 2 of the 950 scuare foot or larger units to rent at $375 per month, then the payment shall be $47,000 (sufficient to pay subsidy for two low income units). In either case the

full fee prior Bldg permit issued

Deed restriction recorded

payments shall be made no later than 18 months from the date of approval of the project use permits by the Board of Adjustments, and the developer shall decide which payment option to use before building permits are issued.

Households occupying the units created in the Durkee building shall meet the following income qualifications in perpetuity:
--for units intially renting at $375 per month, households shall have incomes at or below the level defined as very low income (50% of median income for the corresponding household size) by HUD in guidelines published for the Oakland SMSA and as implemented by the Berkeley Housing Authority.
--for units initially renting at $600 per month and for the 650 square foot unit, households shall have incomes at or below the level defined as low income (80% of median income for the corresponding household size) by HUD in guidelines published for the Oakland SMSA and as implemented by the Berkeley Housing Authority.

All of these provisions have been agreed to by the developer with the following exception. In previous discussion, it had been assumed that 14 of the 15 units would fit within the Durkee building and only one would be paid for separately. The developer's architect has firmly determined that only 13 units will fit, given the proposed size of the cafe also within Durkee. The plan to pay cash for two units rather than one is the staff's recommendation for dealing with this constraint but has not yet been confirmed by the developer at this writing. An alternative, fully acceptable from staff's viewpoint, would be to make the cafe smaller by 950 square feet, put a fourteenth unit within Durkee, and reduce the cash payment by an amount depending on whether the fourteenth unit is designated for low or very low income people--asuming the developer found the smaller cafe to be feasible.

3.a.First Source Hiring

In order to assure that the project provides job opportunities to people in need of work:
All job openings in the construction and subsequent management of the project and in the workforce of businesses which are tenants of the project shall be first offered as available through the City's first source hiring program. The City shall refer qualified applicants for consideration for these positions. The employer will make the final decision on hiring but will interview and consider qualified applicants from persons referred from the City before interviewing others. These provisions shall apply for the life of the project.

The applicant/developer will enter into a First Source Employment Agreement with the City Office of Economic Development prior to issuance of building permits.

The First Source Agreement will require the applicant/developer to use the City's employment and training system as the first source in recruiting and employing construction and permanent employees.

Applicant/developer will include language in leases with their tenants to indicate that those tenants must negotiate a First Source Agreement with the City for their permanent employment needs, for all tenants with 5 or more employees.

City Attn 3

First Source Agreements shall contain the key components summarized in Attachment 2 and meet the approval of the Office of Economic Development according to standards used in previous projects.

3.b. Employment Coordinator

In order to pay in part for the work of a City staff person to make the First Source employment referrals, the developer shall make the following payments to the City general fund:
--$4500 on or before the date of the issuance of any building permit for the project, as a condition of that issuance
--$3500 on or before the date of issuance of a tenant occupancy permit for Building E (where XOMA Corp. will be located)
--$3500 on each of the next three yearly anniversaries of that occupancy permit
--$2000 on each of the next two yearly anniversaries of that occupancy permit

4. Childcare

The developer shall provide for a childcare center serving no less than 32 children. The developer shall provide no less than 2000 square feet of Building F for the childcare center, along with outdoor space at least meeting regulatory standards for 32 children and comprising no less than 2400 square feet. The Building F space shall be provided to a childcare operator at a cost of no more than $0.36 per square foot at the time of initial occupancy. This rental rate shall be adjusted no more frequently than annually, and shall rise no more than the increase allowed in that year under the City's residential rent control general adjustment or the rise in the San Francisco-Oakland SMSA Consumer Price Index, whichever is less.

At least 16 of the childcare slots shall be provided to people of limited means. To accomplish this, at least 16 slots shall initially be available at a cost to parents of no more than $136 per month. These slots shall be reserved for children of parents whose household income does not exceed the level defined for low income (80% of median income for the corresponding household size) by HUD in guidelines published for the Oakland SMSA and as implemented by the Berkeley Housing Authority. The $136 fee may be adjusted annually by no more than the increase in the San Francisco-Oakland SMSA Consumer Price Index for that year.

At least these 32 slots shall be provided to children of parents living and/or working within the City of Berkeley, with first priority given to parents working within this project and next to those working in other projects owned by Wareham Inc. within the City of Berkeley. At least one eighth of the 32 slots, at least one eighth of the 16 low income slots, shall be available for infant care.

The childcare center will be provided for the full life of the project. The center shall be licensed for operation no later than the issuance of the first tenant occupancy permit for Building F and such license shall be a condition for the issuance of tenant occupancy permits in Building F. The developer shall consult with non-profit agencies including at least Bananas, in considering selection of childcare operations and operation of the center.

5. Traffic and Transportation.

a. The developer shall pay for a portion of the cost of certain improvements to the City's transportation and traffic system as enumerated immediately below, representing items identified by the EIR and the City's traffic engineer as needed to offset project impacts. The developer's portion corresponds to the share of the need for each action that this project generates.

a1. for a signal at 7th and Anthony, $45,000
a2. for improvements to 5th, Anthony, and Heinz strees, $55,000
a3. for a left turn lane at 7th and Ashby, $6,000
a4. For a signal at 7th and Dwight, $6,000
a5. for improving 9th st., $2,000
a6. for a third lane on 7th st., from Ashby to Dwight, $4,000

Payment shall be due within 60 days after a contract has been signed for the conduct of the work on each item.

The developer shall be allowed to bid, along with others, for the contracts to do this work. If he is the selected bidder, he may perform the work, paying for part of it himself and receiving payment for part of it. In this case, the City shall pay shares of each item for which the developer is contractor as follows (corresponding to the estimated amounts the City would pay if the develper paid cash as above):

a1. 10% of the total to a maximum of $5,000 in City expenditure
a2. 43% of the total to a maximum of $41,000 in City expenditure
a3. 90% of the total to a maximum $54,000 in City expenditure
a4. 90% of the total to a maximum of $54,000 in City expenditure
a5. 80% of the total to a maximum of $8,000 in City expenditure
a6. 80% of the total to a maximum of $16,000 in City expenditure

Should a transportation assessment district be created in West Berkeley, the developer shall receive credit for his contribution to these improvements against such an assessment.

b. Transit Subsidy

The developer shall provide a 50% subsidy for the cost of traveling to work by public transit for every employee of the project and its tenants who travels by that mode, up to a maximum of $15 subsidy per month per worker. The transportation coordinator (see 5.c. below) shall assure that all employees are aware of the availability of this assistance and receive compensation upon their request. This subsidy will be initiated as soon as the project's first tenant occupancy permits are issued and continue for the life of the project.

c. Additional Transportation Provisions

At the developer's expense, a transportation management study will be conducted for the project, focusing on means to encourage alternatives to the single-passenger auto. This study shall be completed by a qualified professional and approved by the City, and its recommendations set for implementation, prior to the issuance of any tenant occupancy permits.

Mechanisms for encouraging alternatives to the auto in the project shall include designation of a transportation coordinator at the project, provision of bicycle spaces for employees and the public (at the rate of one space per 2,000 square feet of all commercial space), preferred parking for carpools and vanpools, and monitoring and annual reporting to the City of the results of these effor (in addition to transit subsidy in 5.b. above). The transportation management study will provide specifications for the implementation of these and other similar measures which may be required by the City.

In addition, the developer shall continue to pursue an arrangement with BART and AC Transit to provide a shuttle from MacArthur BART station during rush hour, at developer expense. This is however not a mandated item.

6. Payments in Lieu of Taxes.

In the event that the University of California or any other eligible entity leases space within this project and claims an exemption from property taxes and other assessments, the developer shall pay to the City the equivalent amount of those taxes and assessments otherwise owed. Payments shall be made according to the same time schedule as would ordinarily apply to the taxes and assessments. This provision applies for the life of the project.

7. Public Art--Provision of a Theater Space.

The developer shall provide the Spice Building, Building B, as a theater space. Terms and conditions of the initial lease of this space shall be consistent with those of the lease already agreed to by the developer and the Jewish Theater.

8. Building Acquisition Fund for Small Businesses/Historic Preservation.

The developer shall pay to the City of Berkeley $100,000 to be placed in a special fund for assistance to small businesses that may wish to purchase buildings for their occupancy. This payment shall be made on or before the date on which a tenant certificate of occupancy is issued for occupancy of Building E and shall be a condition for issuance of that permit.

Standards for use of this fund shall include the following:
--a property to be acquired must be historic, as measured flexibly but at least to include a structure 40 or more years old.
--in judging applications for use of the fund, points shall be given for factors including occupancy by artists and artisans, small-scale light industy, live-work uses, businesses with a long history, and businesses already occupying the buildings they are acquiring; buildings in West Berkeley; the historic quality of buildings and site; and others determined by an advisory committee.
--an advisory committee shall be formed to judge applications, including representatives of the Landmarks Preservatio Commission, the Civic Arts Commission, and the Planning Commission. Final action to provice assistance shall be by the City Council, reviewing the acvisory committee's recommendation.

--assistance may be in the form of loans, deferred loans, or grants. Preference is for loans, in order to recapture use of the funds for further projects; but flexibility is to be retained in order to assure that acquisition efforts can be made feasible.
--assistance shall be conditioned on provisions made to assure continued affordability to small businesses as the participants in ownership may change.

9. Tax Assessments.

The developer wishes to ask the County of Alameda to take fully into account the limits on rents that apply to the Spice and Durkee buildings (B and A) in setting assessments for property tax purposes. The Office of Economic Development agrees to support the developer in calling on the Alameda County Assessor's Office to accurately reflect project value in terms of its income when setting its assessment, including separate consideration of the Spice and Durkee circumstances.

10. Potential Subdivision.

The developer may wish in the future to propose a subdivision of this property to the Planning Commission, to separate out the Durkee and Spice buildings, in order to improve his ability to finance the project. The Office of Economic Development agrees to encourage the Planning Commission to consider that subdvision for that reason, under the Commission's normal processes and with due consideration for other factors which ordinarily apply to the Commission's subdivision review.

11. Payment Provisions.

Any payments due and owing under the provisions of this permit and not paid by the developer shall become liens against the property. In addition, individual payments are in specific cases conditions for the issuance of other permits, as indicated explicitly above.

12. Transfers of Interest.

All provisions of this use permit shall apply both to the developer and to any successors in interest in the project.

6/17/87

750 Heinz Street/2900 Fifth Street
Use Permits and Variances for the Durkee Site Development

ADDITIONAL RECOMMENDED MITIGATION MEASURES/USE PERMIT CONDITIONS

1. The applicant shall be required to complete, prior to obtaining occupancy permits for any building on the site, the provisions of the Final Remedial Action Plan (may 1987, prepared by Engineering-Science), except that on-going monitoring which may be required need not be completed prior to obtaining occupancy permits. Completion of the RAP includes performance of any specific measures which may be required by the Department of Health Services, the Regional Quality Control Board, or City Health Department to implement these provisions.

2. Final placement and configuration of parking spaces and circulation aisles within the project shall be subject to the review and approval of the City Traffic Engineer, prior to obtaining building permits.

3. All buildings and improvements shall conform to the Uniform Fire Code (1979 edition), including provisions for road widths and proximity of structures. Any improvements to local water supply lines necessary to provide adequate fire flows to the site shall be made at applicant`s expense, prior to obtaining occupancy permits.

4. Any required improvements to local sewer or storm sewer lines required to adequately serve the project shall be made at applicant`s expense prior obtaining occupancy permits.

Storage & discharge

qualified acceptable (Not that
acceptable word

City of Berkeley

Office of Economic Development
City Manager's Office
Martin Luther King, Jr.
Civic Center Building
2180 Milvia Street
Berkeley, California 94704

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ATTACHMENT 'B'
TO CONDITIONS OF
APPROVAL

SUMMARY

FIRST-SOURCE AGREEMENT

WHAT IS FIRST SOURCE?

Simply defined, a First Source agreement is a program of employment targeting which gives the City the first opportunity to provide employees to employers.

In a First Source agreement business agrees to use the City's First Source program as the first source in recruiting and hiring for both new and replacement positions. The City's First Source Program includes advance notification of job openings and desired qualifications to the city and timely referral of screened applicants to employers. The hiring decision at all times rests with employers.

EMPLOYER BENEFITS FROM FIRST SOURCE

- SAVE ADVERTISING EXPENSES FOR JOB OPENINGS. The City recruits individuals based on employer hiring needs.
- REDUCE INTERVIEWING TIME. The City can pre-screen potential applicants.
- CUT TRAINING COSTS. The City can help design a customized training program to meet employer needs and/or reimburse for extraordinary costs associated with training.
- SAVE TAXES. The City can refer job applicants from targeted groups who, if hired, qualify for employer tax credit through the federal Targeted Job Tax program and the California Jobs Tax Credit program. This means total tax savings of up to $5,100 over a two year period for each qualified employee hired.
- FOLLOW-UP. The City wants to make sure businesses receive the assistance needed.
- THERE ARE NO FEES FOR ANY OF THESE SERVICES.

HOW WOULD FIRST-SOURCE HIRING WORK?

In general, the City proposes the following responsibilities for the City and the developer in a First Source Hiring Program:

THE DEVELOPER

* developer will enter into a First Source agreement with the City prior to issuance of building permits

* the First Source agreement essentially requires the developer to use the City's employment and training system as the First Source in recruiting and hiring for the management and maintenance of the subject property, and to include the general construction contractor and future building tenants in the agreement

* developer is committed to being an Equal Opportunity Employer and will not discriminate on the basis of race, sex, national origin, religion, sexual orientation, marital status or disability

* developer will include in the contract with the General Contractor that all contractors must act affirmatively and demonstrate good faith efforts to be an Equal Opportunity Employer as outlined in the First Source agreement

* developer will include in the contract with the General contractor that contractors use the City' Office of Economic Development as the "First Source" for recruitment and referral in filling open positions on the job site

* developer will obtain agreement by all tenants to comply with City First Source policy as defined in the First Source agreement and will include language in tenant leases indicating that those tenants must negotiate a First Source agreement with the City for their permanent employment needs

* developer will notify the City of the names of all tenants prior to occupancy

* developer will assign a representative responsible for implementation and compliance with the First Source agreement

* developer will notify the City of jobs that make up the construction and management company workforce within a specified time frame

* employer will make the final decision on hiring, but will interview

qualified applicants from persons referred from the City before interviewing others

* employer will refer to traditional recruitment sources if the City is unable to provide suitable applicants within the agreed time frame

THE CITY

* City will maintain continuous staffing of a centralized employment office

* upon receipt of job notification the City will contact all City employment/training agencies to facilitate service delivery on a timely basis

* City will screen applicants and refer applicants to the employer based on employer specifications

* City will follow-up with employers on the effectiveness of the City delivery system

* employment/training agencies will recruit unemployed/underemployed Berkeley residents to generate a pool of applicants who most closely match employer specifications

CITY OF BERKELEY

FIRST SOURCE CONSTRUCTION EMPLOYMENT PROGRAM

WHAT IS FIRST SOURCE

Simply defined, First Source is a program of employment targeting which gives the City the first opportunity to provide employees to employers.

In FIRST SOURCE, employers agree to use the City's First Source program in recruiting and hiring for both new and replacement positions. The City's First Source program includes advance notification of job openings and desired qualifications to the City and timely referral of screened applicants to employers. The hiring decision at all times rests with employers.

HOW WOULD FIRST SOURCE WORK FOR CONSTRUCTION EMPLOYMENT

In general, the following responsibilities are proposed for the City and general contractors/subcontractors.

CITY RESPONSIBILITIES

* RECRUIT AND PRE-SCREEN APPLICANTS TO EMPLOYER'S SPECIFICATIONS
* MAINTAIN CONTINUOUS STAFFING OF A CENTRALIZED EMPLOYMENT OFFICE
* SCREEN APPLICANTS AND REFER TO EMPLOYERS ONLY QUALIFIED APPLICANTS
* WORK WITH UNIONS TO GAIN THEIR COOPERATION IN IMPLEMENTING THE FIRST SOURCE PROGRAM. PLEASE NOTE: THE FIRST SOURCE PROGRAM WORKS IN COOPERATION WITH LABOR/TRADE UNIONS, WHERE APPLICABLE, IN PROGRAM IMPLEMENTATION.
* FOLLOW UP WITH EMPLOYERS ON EFFECTIVENESS OF THE CITY'S REFERRAL OF APPLICANTS

GENERAL CONTRACTOR/SUBCONTRACTOR RESPONSIBILITIES

AFFIRMATIVE ACTION AND GOOD FAITH EFFORT IN:

* HIRING TO MEET EMPLOYMENT GOALS CONTAINED IN THE AFFIRMATIVE ACTION COMPONENT
* NOTIFYING CITY OR CITY'S DESIGNEE OF JOB OPENINGS
* INTERVIEWING CITY REFERRED APPLICANTS BEFORE OTHERS ARE INTERVIEWED
* PROVIDING INFORMATION TO CITY ON APPLICATION-FOR-WORK PROCEDURES
* ASSIST IN GAINING COOPERATION OF UNIONS IN PROGRAM IMPLEMENTATION

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RESOLUTION NO. 53,752-N.S.

REVERSING PART OF THE DECISION OF THE LANDMARKS PRESERVATION COMMISSION REGARDING DEMOLITION OF THE SMOKESTACK AT 2900 FIFTH STREET, THE "DURKEE SITE"

BE IT RESOLVED by the Council of the City of Berkeley as follows:

WHEREAS, on March 30, 1987 the Landmarks Preservation Commission made a decision regarding the Wareham Development Group project at 2900 Fifth Street, "The Durkee Site" as follows:

a. Suspend the demolition permit application for the smokestack in accordance with Section 3.24.240 (B)(2) of the Landmarks Preservation Ordinance.

b. Grant the demolition of 810 Heinz/Experimental Kitchen Complex and the remaining steel framework of the former Warehouse #34.

c. Approve the renovation /restoration of the Durkee/Spice Buildings as well as the construction of the following:

Building C. 810 Heinz replacement structure provided that the roof lines (Parapet or gable) will be treated later as part of the Commission's overall review of the project facade design.

Building E. The XOMA Building provided that the footprint and massing are modified to accommodate the smokestack in the building design.

Building F. The West Office Building; including the 3rd floor 12,000 square foot addition.

WHEREAS, the above mentioned approval was granted with the following conditions:

1. That this action shall become effective only upon approval of the Use Permit by the Board of Adjustments, or in the case of an appeal of the Board's action, by the City Council.

2. That the project shall be required to return to the Commission for approval of design details, subsequent to the granting of a Use Permit, but prior to securing any building permits for new construction. Such design approval shall include: facade treatment, fenestration, paving and landscaping, color and finish materials, lighting, signage (location, size, and other standards), and other design details determined to be relevent at the time of this review.

3. That the suggested California Environmental Quality Act findings in the staff report of March 16, 1987 be communicated to the Board of Adjustments.

WHEREAS, that portion of the decision of the Board of Adjustments regarding suspension of the demolition permit application for the smokestack has been appealed to this Council; and

WHEREAS, on May 5 and 19, 1987, this Council held public hearings and found, based on the written record and testimony presented to it, as follows:

That the Council shall hereby reverse the decision of the Landmarks Preservation Commission, in part, by permitting demolition of the smokestack and construction of a new two-story building - shown as Building "E" on the site plan - in its place and additional square footage as set forth below. In all other respects, the Landmarks Preservation Commission's actions of March 26, 1987 is affirmed, including the conditions made a part thereof.

In reaching its decision, the Council finds that the project, as proposed, preserves the intent of the original site designation and the spirit of the Landmarks Preservation Ordinance, and further finds that demolition of the smokestack will not impair the preservation of the historic character of the site, given the other preservation efforts incorporated in the project. Council adopts the proposed findings contained in the staff report to the Landmarks Preservation Commission of March 16, 1987 (attached hereto as Attachment A), and applies them to this decision. In so doing, the Council also endorses the CEQA recommendations contained therein, and finds that demolition of the smokestack would not, in the context of the project as a whole pose a significant adverse impact upon the environment.

In addition, specifically with regard to the smokestack, the Council further finds that after exploring a number of alternatives for retaining the smokestack, it is clear that retention of the smokestack would be extremely costly due to reinforcing requirements, as evidenced by the engineering information in the record. It is also clear that retaining this structure without proper reinforcing would pose a dangerous and hazardous condition at the site. Given this cost, Council finds that requiring retention of the smokestack would present an economic hardship for the applicant, and would jeopardize his ability to adequately mitigate environmental impacts associated with the project, as demonstrated by the results of the economic feasibility analysis prepared by the City's Office of Economic Development.

Finally, Council finds that requiring retention of the smokestack would eliminate the possibility of locating XOMA Corporation, one of the project's prime tenants, at the site. This, in turn, would threaten the project's economic feasibility, and would also threaten certain benefits to the City's economic health and welfare, including potential new jobs and tax revenues. However, the Council expressly conditions approval of this demolition on the execution by XOMA Corporation of the lease for the proposed Building "E" at this location.

For these reasons, Council finds, under Section 3.24.260 (C)(2) of the Berkeley Municipal Code, that it is not feasible to retain the smokestack, taking into account the feasibility of alternatives examined, and balancing the interest of the public in preserving this structure and the interest of the owner of the site in its utilization.

Council finds that the addition of up to 6,000 square feet to Building "F" would not adversely affect the landmark status of the site, and reserves examination of its effects on the environment and its relation to the purposes of the Zoning Ordinance for deliberation by the Board of Adjustments.

FURTHER RESOLVED, that Council directs that, prior to sending of notice of intended action by the Board of Adjustments, the applicant, staff, and representatives of affected groups investigate the possibility and potential benefits of adding up to 6,000 square feet of commercial space to the project (Building "F") in exchange for up to $150,000 being provided by the developer for additional public artwork or other historic preservation efforts to be incorporated into the project. The additional historic preservation efforts are to be provided at no additional cost to the City other than approval of the additional 6,000 square feet of commercial space.

FURTHER RESOLVED, that Council directs that staff, the Board of Adjustments, and the Landmarks Preservation Commission, proceed as expeditiously as possible to complete review of this project. This includes action on the Use Permit by the Board of Adjustments, and design review by the Landmarks Preservation Commission.

LANDMARKS PRESERVATION COMMISSION
1180 MILVIA STREET
BERKELEY, CALIFORNIA 94704

City of Berkeley

(415) 644-6490

MEMORANDUM

FOR COMMISSION ACTION
March 16, 1987

To: Members of the Landmarks Preservation Commission

From: Gil Kelley, Acting Chief, Advance Planning GK
Mark Paez, Commission Secretary

Subject: 2900 FIFTH STREET (750 HEINZ STREET) - PROPOSED DURKEE SITE DEVELOPMENT

Introduction

The proposed development at this site involves demolition of the smokestack and the structure known as 810 Heinz/Experimental Kitchen, rehabilitation of two buildings (the Durkee and Spice Buildings), and construction of three new structures on this six-acre, formerly industrial site in West Berkeley. The applicant is Wareham Development of San Rafael. The project site, formerly the Durkee Famous Foods Plant, was designated as a local landmark in 1985. The building known as the Garr Building, which is a part of the larger site designation, is not under the ownership of this applicant, and is not a part of this project.

Under Section 3.24.200 of the Landmarks Preservation Ordinance, an applicant must secure permission from the Commission for demolition, facade alteration, and new construction on designated landmark sites. Permission for such actions may be granted by the Commission on the basis of making specific findings under Section 3.24.260 of the ordinance, and after conducting a public hearing. For this particular project, a Use Permit must also be secured from the Board of Adjustments. The Board will act subsequent to, and in consideration of, the Commission's action. Whereas the LPC's action is primarily related to certain physical charateristics of the site, the Board's action will relate to a broader set of issues, including use of individual buildings.

This report summarizes the background of the site's designation and the development application process to date, sets forth staff's analysis of the application in relation to the reasons for site designation and the purposes of the ordinance, and finally, recommends a set of findings and action to be made by the Commission. The findings portion of this recommendation is a suggested framework which can be modified and supplemented by the Commission as needed, in response to public testimony and Commission deliberations.

Background

Early demolitions. The Landmarks Preservation Commission initiated the "Durkee Complex" for Landmarks consideration as a result of the demolition of the former Winterizing Building, a large brick industrial structure which surrounded the smokestack.

The demolition permit which authorized the razing of the Winterizing Building was issued without the required Landmarks Commission review as set forth in the provisions of the Non-Residential Protection (demolition) Ordinance. After this was brought to the attention of City officials, the Codes & Inspections Division issued a stop-work order to preclude further demolitions, pending Commission deliberations on the demolition permit requests.

Also slated for demolition were the following structures: the remains of warehouse #34, 810 Heinz/Experimental Kitchen, the smokestack, and the Spice Warehouse.

Designation of the site. The Commission held a lengthy public hearing on the landmark initiation, receiving testimony from West Berkeley residents the majority of whom overwhelmingly supported the landmarks designation. Following the hearing, the Commission discussion focused on whether a site versus an individual structure designation would be appropriate. After reviewing the Landmark application (see attachments #2) and hearing the citizen testimony at the public hearing, the Commission concluded its deliberations on August 6, 1985 by designating the "Durkee Complex" a City of Berkeley landmark site, for the three reasons specified in the designation motion:

> It was MSC (Sparks/Manning) that the Landmarks Preservation Commission approve the application to designate the site known as the "Durkee Complex" a City of Berkeley Landmark:
>
> 1. As an example of Berkeley's early industrial beginning.
>
> 2. Its value as a reminder to the neighborhood and City as a whole of the economic and cultural growth of this section of the city.
>
> 3. In particular, to recognize the unique architecture and industrial style of the Durkee Building, 800 Heinz Avenue.

On August 20, 1985 Wareham Development filed an appeal of the Landmark designation. The appellant argued that the site did not warrant designation because it lacked special character, and historical, architectual or aesthetic value, and therefore, did not merit designation under the ordinance. The applicant further stated that the Commission's designation was vague, ambiguous, and lacked the specificity required under Section 3.24.100 of the landmarks ordinance.

The City Council considered Wareham's appeal in September of 1985 and upheld the Landmark designation. In its action, the Council directed the Commission to clarify for the record which site characteristics it considered to be historically significant, and also expressed its overall support for the concept of developing and re-using the site as proposed by Wareham Development.

In recognition of Wareham's needs, the Council created the "Durkee Task Force", a body comprised of City Staff, Board of Adjustments and Landmarks Commission members. The Task Force was instituted to coordinate and expedite the processing of the permit reviews necessary to complete the proposed Durkee site development project.

Denial of demolition permits without prejudice. Subsequent to the designation of the site, the Commission held a public hearing to consider the demolition permits for 810 Heinz, the Spice Warehouse, the smokestack and the remaining framework of the former warehouse #34. Staff prepared an environmental analysis of the proposed demolitions and determined that the issuance of this discretionary permit was subject to the California Environmental Quality Act due to the Commission's having designated the site architecturally and culturally significant. Staff advised the Landmarks Commission that the preparation of a full Environmental Impact Report (EIR) was required, and that the Commission should not conclude its deliberations on the demolition permit until such time as an EIR was completed and certified. After consulting with the City Attorney, the Commission denied the demolition permit, without prejudice, due to the absence of the requisite environmental analysis (see Notice of Decision in attachment #3).

Environmental Review. As noted above, the use permit/demolition permit application is subject to environmental review under the California Environmental Quality Act (CEQA). On December 11, 1986, the Board of Adjustments, acting as "lead agency" for the City, certified the Final EIR as complete. The LPC, acting in a role analogous to a "responsible agency" (a commenting body, with responsibility for some portion of the discretionary action), made comments to the Board on both the draft and final EIRs. These comments were incorporated and responded to in the certified Final EIR.

The EIR found that development of this site could significantly alter its character, but that any significant adverse impacts could be mitigated by continued refinements to the design. The EIR noted that the Durkee and Spice Buildings were to be retained. It also concluded that the question of whether keeping certain of the other site features is critical to maintaining the overall historic, cultural, and architectural value of the site, such as the 810 Heinz/Experimental Kitchen structue, can only be settled by local decision-makers (LPC and Council), after weighing various elements of the project as a whole. The EIR suggests a framework for considering the demolitions, and offers a "menu" of possible measures to mitigate other design-related impacts (see page 3 of Final EIR).

Under CEQA, the Board of Adjustments, prior to granting a use permit for the project, will need to find that all significant impacts of the project have been mitigated, or, if not, then that there are overriding social or economic reasons for not mitigating certain impacts. The Board will be looking to the LPC to advise as to whether and how potentially significant Landmarks impacts have been mitigated. Therefore, it is important that the LPC communicate its advice on this issue, as well as taking action on the proposed demolitions and new construction. (Language to this effect is suggested in the recommendation section of this report.)

Design Develooment. Following from the EIR analysis, the applicant engaged in several working sessions with the LPC, including one site visit, and several evening meetings during the months of December, January, and February. The intent of these meetings was to refine the project design in such a way that at least some of the LPC's concerns and the EIR's menu items were incorporated in project design. These sessions dealt with issues such as: building height, footprints and massing; preservation of the "courtyard"; preliminary facade treatment concepts; parking paving and landscape concepts; and cost information on demolitions and rehabilitations.

Task Force Meeting on Mitigation Framework. During the later design development sessions, several Commissioners expressed a concern that, whereas part of the Commission's future deliberations on the project would likely concern questions of economic feasibility (e.g. of retaining certain structures and requiring other design-related measures), these questions may not turn only on the cost of these measures, but that requiring these measures might, in turn, affect the project's financial ability to mitigate certain other environmental impacts, such as housing, traffic, and childcare. For this reason, a public meeting of the joint task force was held on February 19, 1987, to clarify the overall mitigation framework and understand what the conceptual trade-offs might be. Members of the Economic Development and Planning staffs were present to explain the overall mitigation package which would be recommended to the Board of Adjustments for approval.

These same staff members will be at the LPC hearing to explain the mitigation framework to the full Commission, and give an update on the mitigation negotiations. Because some of the project mitigations involve payment of funds to the City for use in mitigating "off-site" social and economic costs of the project, staff and the applicant attempt to negotiate a comprehensive package of financial and perfomance measures for presentation to the Board of Adjustments. This package includes such things as payments to subsidize affordable housing (or provision of affordable housing on site), payments toward traffic improvements, provision of or payments toward affordable childcare services, preferential hiring, transit encouragement measures, etc.

Revised Application. Based upon the evolution of design concepts through the working sessions, the applicant has submitted revised drawings and a revised applicant's statement (3/5/87), which constitute the request now formally before the LPC. This revised proposal includes the following:

- changes in the courtyard proportions and the new Building 'C' footprint, to more closely resemble the existing conditions.

- addition of a partial second story to Building 'E' to add a sense of backdrop and enclosure to the courtyard.

- moving Building 'F', at the west end of the site, away from the Copra Warehouse (Garr Building) to achieve a better relationship between structures; and creation of a glass atrium through the center of this building.

- removal of the previously proposed parking structure and certain previously proposed landscape features, such as berms and other planting areas, to affect a more industrial look for the site.

- changes to the elevations, facades, and cornices of the new structures to incorporate a more industrial design theme

- retention of loading docks and canopies on the Durkee and Spice buildings.

The application continues to include demolition of the 810 Heinz/Experimental Kitchen building and demolition of the smokestack as components of the request for project approval. The revised applicant statement, included in the application materials previously distributed, sets forth a design rationale and proposed design and financial justification for demolition of these features. Rehabilitation of the Spice Building and Durkee Building, for a theatre and a live-work/commercial complex, respectively, continue to be components of the project.

Remaining Actions. Action on this application by the Landmarks Preservation Commission - whether to approve, modify or deny the application - is appealable to the City Council. After disposal of the appeal, if any, by the Council, the application will be forwarded to the Board of Adjustments.

The Board of Adjustments will consider granting use permits under the Zoning Ordinance. The use permit review necessarily entails a broader range of issues than LPC review, such as use, displacement, traffic generation, parking, etc. The Board's decision is also appealable to the City Council. No demolitions or new construction can occur on the site until the Board of Adjustments action is final (including disposition of an appeal, if any, by the City Council).

Staff is also recommending that the applicant be required to return to the LPC, subsequent to the Board's action, but prior to securing Building Permits, for new construction, to obtain approval of design details (similar to a Design Review procedure).

Analysis

The Commission designated the Durkee Site as a Landmark because it is an example of Berkeley's industrial beginnings, having evolved over a period of

years into a complex of industial buildings, most of which were brick. This grouping of buildings, and particularly their grouping around the "courtyard" at the east end of the site, made it one of the few largely unaltered industrial complexes of this era in Berkeley. In designating the site, the Commission also considered the growth and expansion of the Durkee Famous Foods Co., which remains visible in the building styles, to be a reminder of West Berkeley's economic and cultural growth. Knowing that this unique site would undergo transformation to accommodate future uses, neighborhood residents and site tenants urged the Commission to designate the site, in order to ensure that reuse of the site respected the integrity of the site as a whole. Upon Council request, the Commission specified which of the individual features of the site were considered to be historically significant (see attachment 5).

The Landmarks Preservation Ordinance authorizes the Commission to review and approve all demolition, alteration and construction permits for land mark buildings and sites. The ordinance sets forth, in Sections 3.24.200 - 280, the standards, criteria, and framework for taking action on these permit requests. It is important to note that these permits should be considered in light of the specific reasons for which the building or site was designated. Secondly, the LPC must apply the review standards and criteria set forth in the ordinance. For new construction and alterations on historic sites, the ordinance requires that the LPC find that the proposed work shall not adversely affect the exterior architectural features of the landmark, nor adversely affect the special character on special historical, architectural, or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting (Section 3.24.260(1)(a)).

The ordinance also specifies the grounds on which demolition of designated buildings, or buildings on designated sites, may be granted: 1) alternantives to demolition of the structures is not economically feasible, particularly when balanced against the public benefit to be derived from the project as proposed, 2) retaining the stucture(s) poses a hardship for the applicant, or 3) the structure creates an unsafe or dangerous condition, and is economically infeasible to preserve or restore.

In the Applicant's Statement previously distributed, the applicant presents a detailed rationale for the proposed design, and sets forth a reasoning for which the applicant believes the Commission should be compelled to grant the requests. In summary, the applicant states that the project, as now designed, preserves the intent of the designation, by restoring and enhancing the significant buildings on the site, by retaining the historical massing of site, and by incorporating other design components suggested during the several design development sessions with the LPC. The applicant also states that it is not economically feasible to retain either the 810 Heinz/Experimental Kitchen building or the smokestack, given that the costs for retention would necessarily reduce the budget for restoration of other, more important features of the site. The applicant has furnished cost estimates for retaining and restoring these features.

Finally, the applicant states that being required to retain the 810 Heinz/Experimental Kitchen structure or the smokestack would pose an immediate and substantial hardship. The applicant's statement does not set forth a specific reasoning for finding hardship. The Commission may want to take testimony from the applicant on this subject at the hearing, if this arguement is determined to be important.

In staff's opinion, making the hardship arguement is not necessary in this case. Demolitions can be granted, if the Commission finds that the overall project design is acceptable. Given the costs of other restoration efforts on the site, as well as the costs to offset the other environmental effects of the project, and given further that the public interest is served by these other efforts, an appropriate finding could be made that alternatives to demolition of these features are economically infeasible and unwarranted.

Furthermore, as outlined below in the recommended findings, staff believes that the revised design complies with the intent of the original site designation. As noted previously, the recommended findings set forth below are intended to give a structure to the Commission's deliberations, and should modified and amended as necessary to incorporate salient new information from the public testimony, and from Commissioner's own comments.

Recommendation

It is recommended that the Commission take the following actions:

1. Based upon findings set forth below, approve the project (specific approvals listed below), with the conditions described further below:

   a) Approved actions:

      - Demolition of 810 Heinz/Experimental Kitchen complex, also smokestack, and remaining steel framework at the location of the former Warehouse 34

      - Renovation/restoration of Durkee Building/Spice Building

      - Construction of new buildings labeled as C, E, and F on applicant's site plan

      - Other landscape, road, and parking improvements to the site as described on the site plan

   b) Findings:

      i. The proposed design preserves the intent of the site's designation as a local landmark, in the following ways, while allowing re-use of the site for present-day purposes:

         - The placement and massing of new buildings on the site are such that the semblance of the original industrial complex, and of the courtyard, is preserved. These were critical elements in the Commission's decision to designate the site as a landmark. Also, the placement and massing of new

buildings are compatible with the remaining structures which are to be retained and renovated, and with the Garr Building.

- The industrial appearance of the site is preserved by design features such as the emphasis on "hardscaping", selective brick facing, industrial-type clerestory windows, iron railings and grates, matching the rhythm of new building modules to those of the original buildings which are being retained, etc. Furthermore, the compatibility of design details with the purposes of the site's designation shall be ensured by the requirement for subsequent, detailed design approval by this Commission.

- Two notable structures, the Durkee Building (800 Heinz) and the Spice Building, are being retained and renovated, including retention and restoration of many of the exterior features of these buildings.

ii. The project will have an educational and cultural benefit to the public, because it will allow and promote greater public access to, and visibility of, a site and collection of buildings which represent an historic view of West Berkeley.

iii. Demolition of the 810 Heinz/Experimental Kitchen building, the smokestack, and the remaining steel framework of the former Warehouse 34, is permissible for the following reasons:

- Based upon a review of cost information presented by the applicant, and others, the cost of retaining and restoring these features, particularly when balanced against the public benefits to be derived from the effort and expense of retaining, restoring and enhancing other features of the site, together with the cost of offsetting other social and economic effects of the project, make retention of these particular features economically infeasible.

- Furthermore, the need for the preservation of these features is substantially diminished by the preservation, restoration and enhancement of other features of the site, and therefore, preservation of them is not essential to preserving the integrity of the site nor the intent of the original designation.

c) Conditions:

- That this action shall become effective only upon approval of the use permit by the Board of Adjustments, or in the case of an appeal of the Board's action, by the City Council.

- That the project shall be required to return to the LPC, for approval of design details, subsequent to the granting of a use permit, but prior to securing any building permits for new construction. Such design approval shall include: facade treatment, fenestration, paving and landscaping, color and finish materials, lighting, signage (location, size, and other standards), and other design details determined to be relevent at the time of this review.

2. Communicate to the Board of Board of Adjustments the following statement, for consideration in make CEQA findings for this project:

The Landmarks Preservation Commission has reviewed the final EIR for this project, and has incorporated its findings and recommendations in our deliberations over this project. As the EIR points out, the Commission has a unique role in reasoning out what specific aspects of the project would be significantly detrimental under the terms of the local ordinance.

For the reasons stated in the record of findings in our decision to grant demolition permits and approve the new construction on this site, the Commission found that the project, on balance, preserves the intent of the Commission's designation of the site as a Landmark, and that the revisions to the project design (which are enumerated in the revised application and record of this Commission's findings) have mitigated any potentially significant adverse impacts in the area of impacts on historical/architectural resources.

Attachments:

1. Notice of Decision - site designation (8/6/85)
2. Landmarks application
3. Notice of Decision - denial of demolition permits without prejudice (11/18/85)
4. Excerpts from the Final EIR (11/86) and the Addendum (12/86)
5. Site plan of existing conditions, showing "features of historic value"
6. Sections 3.24.200 - 250 of the Landmarks Preservation Ordinance

Distributed Previously:

7. Revised development application
8. Draft EIR, Final EIR
9. E. Zambrano letter regarding smokestack retention costs

Copies sent 6/15/87

To: Secretary, Landmarks
Preservation Commission

RESOLUTION

No. 53,752 N.S.

Dated May 19, 1987

Adopted by the Council of the City of Berkeley by the following vote:

Ayes: Councilmembers Chandler, Dean, Jelinek, Shirek, Skinner, Wainwright, Weakes, and President Hancock.

Noes: Councilmember Goldfarb.

Abstaining: None.

Absent: None.

LONI HANCOCK
Mayor and President of the Council

Attest EDYTHE CAMPBELL
City Clerk and Clerk of the Council

PREFACE

THE MANDATE: The Urban Park and Recreation Recovery Act (UPARR) of 1978 requires that any jurisdiction desiring to apply for UPARR funds must develop, submit and have approved a local Recovery Action Program (RAP) which documents the needs of the community together with action plans to meet those identified needs.

The purpose of this Recovery Action Program is to indicate how the park and recreation system will be revitalized and maintained, emphasizing the rehabilitation of deteriorating facilities and describing how the rehabilitation effort is linked to the overall goals, priorities and strategies of the park and recreation system.

In response to this Mandate, the City of Berkeley has developed this Recovery Action Plan, in accordance with the outline set forth in the March 10, 1979, Federal Register. From the initial stages of developing this plan, it was the staff's intention to consider local needs as well as federal guidelines and requirements.

In compiling the assessment of the parks and recreation system, one of the major deficiencies identified was the lack of information about the system -- user data, program evaluation information, budget analysis, planning documents, community needs and preference studies, maintenance standards and performance data were all virtually non-existent. This complicated the process required to develop the Action Plan; but more seriously it impedes sound planning and management practices on an ongoing basis within and among the various administrative units involved in providing park and recreation services.

In addition, developing this plan was complicated by the number of administrative units involved in the system. There is no systematized information sharing or review process between the administrative units. These problems are addressed in the Action Plan and recommendations for identifying data needs and improving information systems as well as for improving coordination and communication within the system are included.

Because the Action Plan is only a starting point in improving the park and recreation system, provisions need to be made for continuing the park and recreation planning process beyond January 1, 1981, when this Action Plan is submitted and UPARR funds are no longer available for planning staff. Limited budget resources make this impossible without additional funding. Potential sources of funding are also addressed in the Action Plan.

There are two major sections of this plan. Part I is the Assessment which describes the existing park and recreation system and the pertinent issues and problems confronting the system. The purpose of the Assessment is to provide background and justification for the second major section, the Action Plan, which presents the community's specific objectives, priorities and implementation strategies in relation to Berkeley's overall recreation system goals.

I. ASSESSMENT OF NEEDS, PROBLEMS, AND ISSUES

A. Context

1. Description

Berkeley has perhaps the most diverse population to be found in any city of its size. Persons of all ages, races, incomes and lifestyles are found among its population. While the size of the population (approximately 100,000) has not changed significantly in the last quarter century, shifts in its makeup have occurred and probably will continue. The 50's and 60's saw a large increase in the student and young adult population. Between 1960 and 1970 the number of persons between 15 and 24 increased 50%, while the number of persons under five declined almost 30%, and the number 35 to 64 declined almost 20%. Households with children were replaced by those without children. While the total white population declined slightly, the black population increased by 25% and the other non-white population (primarily Chinese and Japanese) increased almost 40%. Women, low income households, ethnic and racial groups, the disabled and unconventional lifestyles asserted themselves more than ever before. Alternative education, child care programs and senior centers were among the responses to these population changes.

Despite its limited financial capacity, Berkeley has sought to meet the diverse needs of its population. It has remained one of only a handful of California cities to provide a wide spectrum of health services to residents. A wide variety of social, recreational and cultural activities for and by residents are supported with city programs and contracts with community agencies. Low and moderate income families, elderly and disabled persons benefit from non-profit, moderate income housing and leased housing programs.

Berkeley residents care about their neighborhoods and their community. Thousands participate in the city's decision-making every year as members of neighborhood organizations, political groups backing candidates and initiatives, members of appointed boards and commissions, and as individuals.

A clear expression of Berkeley residents' concern for their parks was the passage of a five-year tax override of 20¢/$100 assessed property value in June, 1974, for park acquisition, development and renovation. Known as Measure Y, the override generated four and a half million dollars and added 10 new parks and renovated an additional 15 parks and mini-parks. As important as the physical impact on the parks system was the planning process generated by Measure Y which involved the Parks and Recreation Commission, the Planning Commission, and the City Council in an annual public review of the 5-year plan. In addition, a process for involving citizens at the neighborhood level in specific park project review was also developed and utilized for all Measure Y funded park development and improvement projects.

The University of California is the single largest factor in Berkeley's economy. It provides thousands of jobs and its departments, staff and faculty, students and visitors spend millions of dollars annually in Berkeley. However, its tax exempt status means that Berkeley's largest landholder, employer and activity center pays no property tax; thus a greater tax burden falls on property owners and residents to support municipal services. Although there is a Central Business District and other community and neighborhood commercial centers experiencing increased sales in specialty shops, overall retail sales have declined resulting in decreased city revenue. There is industrial development in West Berkeley, but there is limited space for industrial commercial expansion. Revitalization efforts continue in deteriorated areas of the city and unemployment remains high especially for youth and minorities.

As in many older Bay Area cities, Berkeley's population has been declining slightly. Between 1970 and 1978, the number of Berkeley residents decreased from 116,716 to 112,100, a drop of 4.0%. The projected 1980 population is 100,000, representing another 2.3% decline from the 1978 level.

The City of Berkeley is one of the oldest Council-Manager cities in California, this form of government having been adopted in 1923. The City Manager is appointed by the City Council and all other employees and officers are directed by the City Manager. The elective officers of the city consist of a Mayor, eight Council members, an Auditor and a School Board. The City Manager is the administrative head of the city government and is responsible for the efficient operations of all departments of the government, except the Library. The City Manager's Office coordinates the activities of these departments and makes appropriate recommendations to the City Council for improvements in organization and operation.

The administration of park and recreation services has undergone numerous changes over the past 5-6 years. These changes were brought about initially by a reorganization of the city's administrative structure in 1974, which resulted in the expansion of the Parks and Recreation Departmentto include Youth Services and Senior Services. Until FY 1977-78 the Department of Parks, Recreation and Community Services (as it was renamed in 1975) was the main administering body for almost every aspect of public parks and recreation development, operation and maintenance. Only the Maintenance of Parks Structures was under a separate department, the Department of Public Works.

The passage of Proposition 13 in June of 1978 resulted in the elimination of the Parks, Recreation and Community Services Department, with all park design, development and maintenance services transferred to the Public Works Department; and Recreation, Youth, and Senior Services transferred to the City Manager's Office, where they have remained until the present time. An administrative reorganization has been recently completed which created a Human Services Department to include recreation, youth and senior services, plus the programs which are responsible for the development and administration of community agency contracts (CETA, CAP, and General Fund programs). (See organization chart, p. _____)

Parks and recreation planning takes place primarily on a specific project level within the various administrative units involved. The recent reorganization has brought about changes in the administrative structure which have not been fully integrated into the total system, thus a need for improved coordination exists.

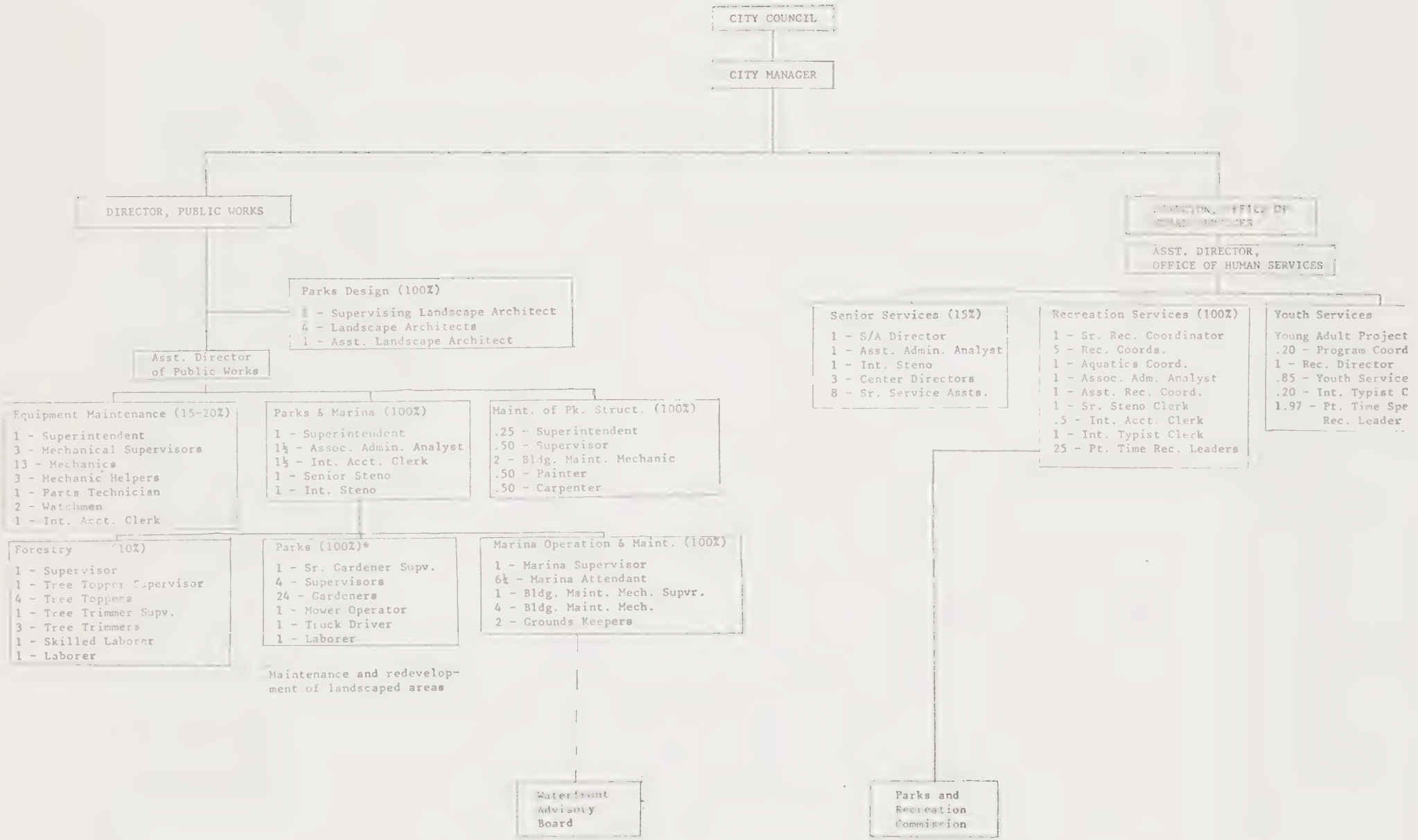
A broad park and recreation plan was developed in 1977 as part of the Revised Master Plan. The goals developed for that plan are presented in Section II.A. of this Action Program (p. 75).

2. Overview of Park and Recreation System

The key feature of Berkeley's park and recreation system is variety. The 200 acres of developed parklands include waterfront parks at the Marina; rambling hillside view parks; four recreation centers; small neighborhood play areas for children; and school parks jointly developed by the City and the School District. In all, there are over 40 parks. In addition, three swim centers are jointly operated by the School District and the City of Berkeley. The swim centers are located at the junior high schools and provide both recreational and instructional programs.

CITY OF BERKELEY: PARKS AND RECREATION SYSTEM

ORGANIZATION & STAFFING



The Berkeley Marina, owned and operated by the City, is comprised of a 975 berth mooring basin, two parks, the fishing pier, a public boating ramp, three hoists and a boat dry storage area. The Marina is financially self-sustaining with revenues generated from Marina rentals and concessions.

The city also operates three senior centers which provide a variety of recreation programs for the elderly.

In addition, the City of Berkeley operates one family camp, Tuolumne Camp on Highway 20 near Yosemite National Park, and contracts with CAMPS, Inc., a community based private non-profit corporation, to operate the Cazadero Art and Music Camp near the Russian River, and Echo Lake Camp in the Sierras. Improvements are needed at the camps both to upgrade and to winterize the facilities, particularly at Echo Lake Camp. The rehabilitation and development needs of the camps is warranted to make sure that Berkeley's urban residents continue to have moderately priced camp facilities available to them.

There are three basic problems with Berkeley's park acreage: (a) Berkeley's park acreage is not evenly distributed throughout the city. In fact some areas have no publicly owned parks or recreation facilities other than school playgrounds. In addition, 99 of the 207 acres are in one park -- Aquatic Park -- which is underutilized because it is not easily accessible to public transportation and is isolated from the city by an industrial belt and the railroad tracks. Also, it is immediately adjacent to the freeway which creates a severe noise problem.

(b) Berkeley has an average of less than two acres per thousand population. This is extremely deficient according to the California State Outdoor Recreation Plan which recommends that a city should provide a total of 10 acres of park and recreation area (exclusive of school playgrounds) for each 1000 residents. Berkeley would have to acquire an additional 950 acres to meet this standard. Clearly the State standard is unrealistic for an urban area such as Berkeley. The standard suggested for Berkeley in the 1977 Revised Master Plan is 2 acres per 1000 population (exclusive of school playgrounds) or approximately 220 acres of city owned/operated park and recreation space. Even if this standard were met, it is still low, so steps must be taken to maximize all available park and recreation resources such as developing school parks to meet neighborhood needs; asscssing historical designated sites for recreation potential; improving public transit access to Tilden Park and to Aquatic Park; and improving access for pedestrians and bicyclists to the Marina.

(c) Because of the variety and the topography (especially of the hill parks) Berkeley's park acreage is difficult to maintain. There are many small parks (1 acre or less) scattered throughout the city in response to neighborhood needs. These smaller sites are much more expensive to maintain. (See Section E.4. for further analysis.) The park maintenance problems facing the City of Berkeley are compounded by the fact that in the past ten years, a total of 39.90 acres of parks and median strips have been added (a 30% increase in total acreage). However, the staff available to provide necessary maintenance services has not kept pace with the increase in workload, and the deterioration due to age and use of existing park facilities have created a situation where, given current funding, it is impossible to make the repairs needed to keep some facilities functioning or maintain the park sites as desired. Thus, increased funding for ongoing maintenance is one of the most pressing needs of the Berkeley recreation system.

Recreation programs are provided at the four recreation centers, and a variety of swim programs and classes are offered at the swim centers. The number and variety of classes, programs and activities is limited by lack of staff and funds. Yet the demand for programs is increasing as people spend more leisure time close to their home due to the cost of traveling. To meet this demand, a variety of alternative approaches must be examined including an examination of fees and charges, and especially improved coordination with non-city recreation providers to make classes and programs available in the recreation centers on a contract basis.

For example, CAMPS, Inc. has proposed to utilize Cazadero Camp staff and resources to provide art and music classes in the recreation centers at a minimal cost ($1.00 per lesson). The Berkeley Shakespeare Festival has made a similar proposal to offer drama classes.

A major deficiency in the recreation program is the lack of programs that are accessible and available to disabled persons. A proposal has been submitted to secure UPARR funds to train recreation staff -- both city and non-city -- to integrate (or mainstream) disabled persons into existing recreation programs. If this project is funded, it will be an important step in increasing recreation opportunities for disabled persons.

3. Citizen Participation

Citizen participation occurs in all phases of the park and recreation process -- from the broad policy level (e.g., the development of the Master Plan which provides the policy framework for all park and recreation activities) to the specific design and use of a neighborhood park.

The revision of the Master Plan was a three-year effort involving neighborhood groups and individual neighborhood associations, extensive city-wide and neighborhood public hearings. The effort was constantly reviewed by a Council-appointed citizen commission, the Master Plan Revision Committee, as well as by the Planning Commission. The City Council adopted the revised Master Plan in June of 1977 as recommended by the Planning Commission. The Open Space and Recreation element of the Master Plan provides the overall policy directives for park and recreation activities in the City of Berkeley.

The Measure Y Ordinance also mandates public participation as part of the review process concerning use of Measure Y funds. Section E of the ordinance states that:

> "The Recreation Commission and the Planning Commission shall hold at least one joint public meeting annually and shall at such time receive and review a report from the Director of the Recreation and Parks Department on the implementation of the acquisition program, on expenditures made from the funds, and on properties developed and renovated during the preceding year for recreation used. The Recreation Commission and the Planning Commission shall receive testimony from the public regarding their recommendations for the acquisition, development and renovation of parks and open space lands; approval of Fund expenditures to be by a majority vote of each of the Recreation Commission and Planning Commission meeting jointly, and with the concurrence of the City Council. Said recommendations should balance the City-wide needs for parks with the needs of the identified high-deficiency neighborhoods."

At the specific park project level, a Park Planning Process Guide developed by Parks Design staff, provides for extensive citizen involvement. As soon as the planning process commences on a given project, a community meeting is held to record and explore all community ideas, needs and fears regarding the project. Once a preliminary design is developed, a second community meeting is held to present the design alternatives, elicit expression of preferences, discover the reasons for expressed preferences and develop design compromises if possible. Once a final design is derived, a third community meeting is held to present the preferred design alternative. Upon full Board and Commission review of the Final Design, the project is placed upon the Council agenda and the community design meeting participants are notified of meeting dates.

To obtain citizen input to the UPARR Action Plan, numerous surveys were conducted to determine the community's opinion regarding Berkeley's parks and recreation system. There were five different surveys; one questionnaire was distributed to households in the community within the neighborhoods surrounding the 5 recreation centers and 1 swim center. Two surveys were distributed at the five recreation centers, one for park and center users, the other for recreation program participants. A city-wide telephone survey was conducted to gather information on both recreation facilities and programs. In addition, a questionnaire was distributed to disabled persons to obtain specific information about recreation needs of the disabled. Approximately 700 questionnaires were filled out and returned. (See Appendix B for summary survey data.)

B. Physical Issues

The City of Berkeley owns 207 acres of parkland within the city limits which provide a variety of recreation opportunities. It is important to note, however, that 99.36 (48 %) of these acres are located in Aquatic Park which is not easily accessible to Berkeley residents (see page 17) and which contains some 80 acres of water which is used for waterskiing and specialized water sports. Besides the city's holdings there are various other private and non-profit organizations which also provide recreation facilities.

The following is an assessment of the physical recreation facilities available to the Berkeley population. First is an inventory of public resources. What does the city own? Where is it? What condition is it in? Then the assessment will cover the coordination of public facilities with other service agencies such as schools. Facilities for the elderly and disabled are described including the general accessibility of public facilities to the disabled. There is a brief inventory of recreation facilities other than those owned by the city and a brief discussion of recreation facilities outside of Berkeley. Historic landmarks which have recreation potential are outlined. A summary of the deficiencies in the recreation facilities available will conclude the chapter.

1. Types of Facilities

The City of Berkeley's 48 parks and recreation areas are classified into 7 categories determined by the size of the facility and its primary use.

Major park and recreation centers not only have a recreation building which supports many activities, but also provide many outdoor activity areas such as basketball, tennis, volleyball courts, and playing field. For example, the James Kenney Center has an exercise room and indoor basketball court as well as outdoor basketball and tennis courts.

Medium to large parks may have a building on the site, but usually do not, and offer a wide variety of activities for users.

Small parks include both totlots and mini-parks. Berkeley's totlots are usually a small area with play apparatus intended for activities enjoyed by pre-school or young elementary age children. Berkeley's mini-parks are usually one to three city lots in size and have play apparatus as well as picnic facilities, benches or lawn areas.

Special use facilities provide activities for special interest groups. The Berkeley Rose Garden, lawn bowling greens and water skiing/lagoon at Aquatic Park are examples of special use facilities.

Hill parks are located on the westward facing slope of the Berkeley hills and provide unique opportunities for rock climbers, walkers and view enthusiasts.

Swim centers have standard competition size pools and locker room facilities which are used by the schools during school hours and opened to the public after hours, on weekends and holidays.

School parks are a cooperative effort between the city the the Berkeley Unified School District. Eight shool yards have been developed with Measure Y funds.

The following is a summary of existing facilities arranged according to park type and indicating the acreage of each individual park and the total acreage of each category.

PARK CATEGORIES OR TYPES	SIZE IN ACRES	TOTAL ACRES PER CATEGORY
MAJOR PARKS AND RECREATION CENTERS		
1. Grove	3.45	
2. San Pablo	12.95	
3. Live Oak	5.52	
4. James Kenney	4.06	25.98
LARGE PARKS		
5. Willard Park	2.72	
6. Cedar/Rose	3.16	
7. Civic Center	2.77	
8. Codornices	10.60	
9. Hearst Strip	9.80	
10. John Hinkel	4.19	
11. LaLoma	5.61	
12. Shorebird (Adventure Playground)	6.17	
13. Remillard	5.90	50.86
SMALL PARKS		
14. Spruce Michigan	1.19	
15. Berkeley Way	.43	
16. Charles Dorr	.60	
17. Columbus Mini	.46	
18. Cragmont	3.00	
19. George Florence	.51	
20. Greg Brown	.58	

21.	Haskell Mabel	.13	
22.	Horseshoe	3.39	
23.	Prince Street	.15	
24.	Roosevelt	.15	
25.	63rd Street	.19	
26.	Terrace View	.71	
27.	Virginia McGee Totlot	.37	
28.	Monkey Island	.30	
29.	Walker Street	.20	
30.	Marina Mall	.52	12.88
	HILL PARKS		
31.	Contra Costa	.17	
32.	Euclid View	1.00	
33.	Frederick	.24	
34.	Grotto Rock	.39	
35.	Indian Rock	1.18	
36.	Mortar Rock	.39	
37.	Stoneface	.73	4.10
	SPECIAL USE FACILITIES		
38.	Aquatic Park	99.36	
39.	Bowling Green	1.81	
40.	Rose Garden	3.64	104.81
	SCHOOL PARKS		
41.	Columbus (design phase)	.70	
42.	Grizzley Peak	.10	
43.	John Muir (Phase II not implemented)	1.00	
44.	King	1.72	
45.	LeConte	1.20	
46.	Malcolm X	1.80	
47.	Thousand Oaks	2.60	
48.	Washington	1.50	9.62
	SWIM CENTERS AT JUNIOR HIGH SCHOOLS		
49.	West Campus		
50.	King		
51.	Willard	TOTAL ACRES PARKLAND	208.25

2. Distribution of Parks

For the purpose of describing park distribution and impact, Berkeley has been divided into nine study areas, the boundaries of which either combine or coincide with the twenty-one planning areas developed for the revision of the Berkeley Master Plan in 1975. The decision to combine certain planning areas was based on an area's proximity to major parks, neighborhood boundaries and the availability of corresponding socio-economic data. (See map next page.)

AREA #1, WEST BERKELEY, is bounded by the Albany border to the north, the Emeryville/Oakland border to the south, San Pablo Avenue to the east and the East Shore Highway (excluding Aquatic Park) to the west. The area contains Berkeley's only concentration of industrial and warehouse buildings. The Southern Pacific

Railway mainline tracks run north to south through this industrial district. The area also contains residential areas, generally consisting of very old housing stock. West Berkeley has a high minority and low-income population.

Area #1 contains a major park and recreation center (James Kenney) and 2 small parks (Columbus and George Florence) and 2 school parks (Columbus and Malcolm X) for a total of 5.73 acres of public parks. Other facilities in the area include the West Berkeley YMCA and the West Berkeley Senior Center. Area #1 is adjacent to the Marina and Aquatic Park, but because they are separated by an industrial area and the freeway, they are not accessible as neighborhood parks and will be described separately as Area #10.

James Kenney Park opened for public use in 1917. Consisting of 4.06 acres of land, the grounds contain basketball and tennis courts, tot play apparatus, a picnic area and a playing field. The new 5,496 square foot recreation center is the city's only accessible recreation building for the disabled. The center has indoor basketball courts, a multipurpose room, conference room, arts/crafts room, photography studio, exercise rooms as well as restrooms with showers.

The park needs repair/replacement of a retaining wall which is falling over, various ground repairs including irrigation system correction on the playing field, additional fencing, tennis and basketball court fixtures and fencing replacement. Feature areas surrounding the recreation center building need to be reassessed in terms of design, maintenance and use. The building needs major roof and restroom repairs.

George Florence Park is a small park which opened in the summer of 1979. Basically a mini-park, it covers .51 acre. This park is highly used and although relatively new, one swing is missing and the climbing net needs to be repaired.

Columbus Park is a small park. This .46 acre mini-park was built in 1975 around a two story house which was purchased by the city for Youth Employment Services to renovate. Much of the interior of the building was rewired and refinished, but was never completed and the exterior remains in an unsightly condition. There is limited play equipment and a small lawn.

Columbus School Park will be developed in 1981 with Measure Y funds. Plans include redesigning the playground, resurfacing the area, and adding play equipment.

West Berkeley Senior Center is currently housed in a converted four-plex. The new center, located one block south of the old, should be completed before the end of the year.

AREA # 2, NORTH CENTERAL BERKELEY, is bounded by the Albany border to the north, Addison Street to the south, and Sacramento and San Pablo Avenues to the east and west. The North Berkeley BART station is located within this racially diverse, residential neighborhood. It is a moderate income area containing 3.53 acres of public recreation facilities. It has a large park, a small park, and a swim center.

Cedar/Rose is a brand new large park, covering 3.1 acres. The grounds include a multipurpose field, tot area with a tricycle run and an apparatus area for older children. The community building is currently leased to the Alacosta Center,

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